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# JOURNAL

OF THE

# PROCEEDINGS OF CONVENTION

OF THE

# STATE OF ALABAMA,

HELD IN THE

# CITY OF MONTGOMERY,

ON

## TUESDAY, SEPTEMBER 12, 1865.

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BENJAMIN FITZPATRICK,
PRESIDENT OF CONVENTION.

WM. H. OSBORNE,
SECRETARY OF CONVENTION.

W. W. SCREWS,
ASSISTANT SECRETARY OF CONVENTION.

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1865.

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OF

# MESSAGE

OF

# GOVERNOR LEWIS E. PARSONS.

*To the People of Alabama:*

The appeal to arms has been made and decided against us, but not until our sons and brothers had exhibited a degree of courage and endurance which commands the respect and admiration of the world.

Alabama was admitted to the Union on the 2d day of March, 1819. What her population and resources were at that time, I have not the means at hand to state; but the census of 1860 enables us to see what her condition was when the convention passed the ordinance of secession, on the 11th day of January, 1861.

Our State then had a population of 964,201 souls, of which 526,431 were whites, 2,690 were free colored, and 435,080 were slaves. We had 6,462,987 acres of improved lands, the greater part of which was in actual cultivation, producing 32,761,194 bushels of corn; 1,222,487 bushels of wheat; 73,912 bushels of rye; 716,435 bushels of oats; 499,559 pounds of rice; 221,284 pounds of tobacco; 1,483,609 bushels of peas and beans; 397,566 bushels of Irish potatoes; 5,420,987 bushels of sweet potatoes; and 997,978 bales of cotton. We had 108,701 mules; 127,205 horses; 234,045 milch cows; 92,495 working oxen; 452,643 head of other cattle; 3 9,061 sheep, yielding 681,404 pounds of wool, and 1,736,599 swine.

We had 743 miles of railroad in operation, which had cost us $17,591,188. We had $9,911,000 invested in bank stock, $2,747,164 in specie, and $4,851,153 on deposit in the different banks of the State, and $8,260,000 invested in manufactures, the value of whose annual product was $9,400,000.

The value of our real estate and personal property, exclusive of the value of negroes, was $495,277,078.

The State owed a sterling bond debt, payable in London, of $1,336,000, and a decimal bond debt payable in New York, of $2,100,000. It also owed what is called the funded debt of the State, consisting of the sixteenth section and the University fund, on which the interest only can be paid, the State having assumed this in perpetuity, amounting to $120,000. To meet this the State had $1,200,000 in North Carolina and Virginia six per cent. bonds, worth, at that time, a premium in the market, and an annual revenue which exceeded all its expenses about $————!

In the prosecution of the war, for the last four years, into which Alabama was precipitated, about 122,000 of her sons have been carried to the field of battle, 35,000 of whom will never return; and it is probable an equal or larger number are permanently injured by wounds or disease while in the service. A very large proportion of our material wealth has been exhausted. Our fields are laid waste, our towns and cities, our railroads and bridges, our schools and colleges, many of our private dwellings and public edifices are in ruins; silence and desolation reign where once stood the comfortable home which resounded with the joyous laugh of childhood and innocence.

The State has contracted a large war debt during this period, and has on hand as near as can be ascertained about $————in Confederate Treasury notes, which are utterly worthless, and about $———— in good funds.

Untold sufferings have been, and are still endured by thousands of our women and children and the aged and helpless of our land.

There is no longer a slave in Alabama. It is thus made manifest to the world that the right of secession for the purpose of establishing a separate Confederacy, based on the idea of African slavery, has been fully and effectually tried and is a failure.

Yet amid all the ruin and suffering and death which have resulted from it, every political right which the State possessed under the Federal Constitution, is hers to-day, with the single exception relating to slavery.

The life boat of the Union is still within our reach. The flag which our fathers established, with their life blood, among the nations of the earth, still floats at her masthead. On her quarter deck, despite the bullet and dagger of the as-

sassin, still stands a helmsman at his post, surrounded by a crew, who, for the most part, with outstretched hands and in cordial tones invite us to come on board and share equally with them the prosperity, the danger and the glory which may fall to the lot of those whose fortunes are united to her.

Friends and fellow-citizens shall we not do it? There is no other sail in sight. England and France often seemed to be bearing down to our relief, but they have tacked, nay, they have put square about and are now hull down on the distant verge of the ocean. *But the ship which our fathers built*, has backed her engines and her sails, and is lying to, ready to receive us. Her commander says come. It is our right. Her crew are looking over her sides ready to lend us a hand. And if they who fell at Lexington and Bunker Hill, at the Cowpens and Yorktown, could speak to us, would they not say "go on board the ship which we built and launched for all of you; brethren, be at peace and dwell together in unity; you have fallen out; you have had a dreadful family quarrel, as children too often have, after the parents are dead and gone who acquired the estate; but be thankful to God that the great principles of civil and religious liberty, of free government and man's capacity to govern himself still survive amid the ruin which you have wrought. You will all be once more integral parts of an empire which contains within itself the elements necessary to secure all of peace, prosperity and happiness which falls to the lot of men and nations. There is not a friend to the principles of government which we beqeuathed you, among the kings and despots of the earth. You have had, during all this death struggle, but one friend in Europe, the Emperor of Russia."

Shall we not heed their advice? In the hope, the belief that we will, it has pleased *His Excellency, Andrew Johnson, President of the United States*, to appoint the undersigned, Provisional Governor of Alabama, "for the purpose of enabling the loyal people of said State to organize a State government, whereby justice shall be established, domestic tranquility insured, and loyal citizens protected in all their rights of life, liberty and property;" and the President has made it my duty "to prescribe such rules and regulations as may be necessary and proper for convening a Convention composed of delegates to be chosen by that portion of the people of said State who are loyal to the United States, and no others, for the purpose of altering or amending the Constitution thereof; and with authority to exercise within the limits of said State, all the pow-

ers necessary and proper to enable such loyal people of the State of Alabama to restore said State to its Constitutional relations to the Federal Government, and to present such a republican form of State government as will entitle the State to the guarantee of the United States therefor, and its people to protection by the United States against "invasion, insurrection and domestic violence."

Now, for the purpose of carrying into execution the commands of the President, and to enable the loyal people of Alabama to secure to themselves the benefits of civil government, I do hereby declare and ordain.

1. That the Justices of the Peace, and Constables in each county of this State, the members of the Commissioners, court (except the Judges of Probate), the County Treasurer, the Tax Collector and Assessor, the Coroner and the several municipal officers of each incorporated city or town in this State, who were respectively in office and ready to discharge the duties thereof on the 22d of May, 1855, are hereby appointed to fill those offices during the continuance of this provisional term of government. And as it is necessary that the persons who fill these several offices should be loyal to the United States, the power is hereby reserved to remove any person for disloyalty or for improper conduct in office, or neglect of its duties; and I earnestly request all loyal citizens to give me prompt information in regard to any officer who is objectionable on any one of these grounds.

2. Each of these persons thus appointed to office must take and subscribe the oath of amnesty as prescribed by the President's Proclomation of the 29th day of May, 1865, and immediately transmit the same to this office. At the end of said oath, and after the word "slaves," he must add these words, "and I will faithfully discharge the duties of my office to the best of my ability." Each of these officers must also give bond and security payable to the State of Alabama, as required by the laws of Alabama on the 11th day of January, 1861. If any person acts in the discharge of the duties of any of the aforesaid offices without having complied with the foregoing regulations on his part, he will be punished. This oath of Amnesty and of office may be taken before any commissioned officer in the civil, military or naval service of the United States; and the Judge of Probate in each county in this State on the 22d of ay, 1865, may also administer it, unless another Judge of Probate shall have been appointed by me in the mean time, and approve and file the bond which is hereby required to be

given. But no one can hold any of these offices who is exempted by the Proclamation by the President from the benefit of amnesty, unless he has been specially pardoned.

3. The appointment of Judge of Probate and Sheriff in each county will be made specially as soon as suitable persons are properly recommended, and when appointed they will take the oath of amnesty prescribed in the foregoing section, and give bond and security as required by the law of Alabama on the 11th of January, 1861. And vacancies in any of the county offices will be promptly filled when it is made known, and a proper person recommended.

The Judges of Probate and Sheriffs who were in office on the 22d of May, 1865, will take the oath as herein required of other officers, and continue to discharge the duties of their respective offices until others are appointed.

4. If the loyal citizens of the State find it necessary to have other officers appointed, viz: Clerks of the Circuit Court, solicitors, Judges of the Circuit Court, Chancellors and Judge of the Supreme Court, when that necessity is satisfactorily established the appointments will be made.

5. An election for delegates to a Convention of the loyal citizens of Alabama will be held in each county in the State on Thursday, the 31st day of August next, in the manner prescribed by the laws of Alabama on the 11th day of January, 1861; but no person can vote in said election, or be a candidate for election, who is not a legal voter as the law was on that day; and if he is excepted from the benefit of amnesty under the President's Proclamation of the 29th of May, 1865, he must have obtained a pardon.

6. Every person must vote in the county of his residence, and before he is allowed to do so, must take and subscribe the oath of amnesty prescribed in the President's Proclamation of the 29th of May, 1863, before some one of the officers hereinafter appointed for that purpose in the county where he offers to vote, and any person offering to vote in violation of these rules or the laws of Alabama on the 11th of January, 1861, will be punished.

7. There will be elected in each county of the State on said day, as many delegates to said Convention as said county was entitled to representatives in the House of Representatives on the 11th day of January, 1861; and the delegates so elected will receive a certificate of election from the Sheriff of the county, and will assemble in Convention at the Capitol in Montgomery, on the 12th day of September, 1865, at 12 M.

8. From and after this date, the civil and criminal laws of Alabama, as they stood on the 11th day of January, 1861, except that portion which relates to slaves, are hereby declared to be in full force and operation ; and all proceedings for the punishment of offences against them will be turned over to the proper civil officers, together with the custody of the person so charged, and the civil authorities will proceed in all cases according to law. Suits in civil cases now pending, whether an original, mesne or final process, before any officer acting under military authority, will also be turned over to the proper civil officer, and will be governed in all things by the law of the State aforesaid.

9. All unlawful means to punish offenders, are hereby strictly prohibited. No "vigilance committeee" or other organization, for the punishment of supposed offenders, not authorized by the laws of the State, will be permitted, and if any such are attempted, the person or persons so offending will be promptly arrested and punished. The lovers of law and order throughout the State, are appealed to and solemnly urged to aid, by all lawful means, in sustaining the cause of law and order. If the people of the State will do this willingly and promptly, we shall be able to restore peace and security to every home in our beloved State ; but if offenders become too strong, the military power of the United States will aid us.— Henceforth, that power will act in aid of, and in subordination to the civil authority of the State.

10. The oath which is required to be taken by those who desire to vote for delegates to the Convention, may be administered by the Judge of Probate of the county where the voter lives, or by any Justice of the Peace in said county and by others specially thereunto appointed. Blanks will be furnished these officers by the Judge of Probate, to whom they will be sent on application, where they cannot be printed.— One copy of said oath will be given the voter and another will be kept by the officer before whom it is taken, which must be filed with the Judge of Probate and endorsed by the Judge of Probate, with affiant's name, and numbered from one up, and preserved by him as a part of the records of his office. The Judge of Probate must make out a certified list of names numbered to correspond with the affidavits and transmit it to this office by some one of the Delegates to the Convention. It is important the lists should all be here on the 12th day of September next, when the Convention meets.

The several officers will also transmit their accounts for

these services at the same time and if the list of voters made in a proper manner, accompanies them, the accounts will be promptly laid before the Convention for adjustment

11. There are no slaves now in Alabama. The slave code is a dead letter. They who were once slaves are now free, and must be governed by the laws of Alabama as free men. It is the dictate of wisdom, and we owe it to ourselves and them to produce the best possible results for both races, from the new order of things.

12 All good citizens are respectfully and earnestly urged to set the example of engaging cheefully, hopefully and energetically in the prosecution of industrial pursuits. In so doing, they will exert a good influence upon those who are despondent and cast down by calamities which have befallen us.

13. The idle, the evil-disposed and the vicious, if any such there be within the limits of our State, must distinctly understand that all violations of law will be promptly punished. The sherifi's of the several counties are hereby required to keep in readiness a sufficient force of deputies or assistants, well armed, to enable them to execute all legal process and arrest all offenders promptly, and they will be held strictly accountable for any neglect of duty in this respect. Rights of person and property must be respected—law and order must be preserved. If seriously impeded in the execution of these orders, sheriffs will immediately report the fact to me that prompt and effectual measures may be taken, to repress violence and assert the supremacy of the laws. Done at Montgomery, Alabama, on the 20th day of July, A. D., 1865.

LEWIS E. PARSONS,

Provisional Governor of Alabama.

# JOURNAL.

MONTGOMERY, ALABAMA, September 12, 1865.

Be it remembered, that on the 20th day of July, A. D., 1865, Lewis E. Parsons, Provisional Governor of the State of Alabama, did issue his Proclamation, ordering an election for delegates to a Convention to assemble in Convention at the capitol in Montgomery, on the 12th day of September, 1855, at 12 M.

In accordance with the proclamation, the delegates assembled in the Hall of the House of Representatives on Tuesday, the 12th day of September, A. D., 1865, at 12 M., when,

On motion of Mr. Crenshaw, Mr. Patton, of Lauderdale county, was nominated as temporary Chairman.

On motion of Mr. Winston, of Sumter, A. B. Clitherall, was appointed temporary Secretary, and Robt. Clark was appointed temporary Doopkeeper.

The following delegates then appeared and registered their names, to wit: from the county of

Autauga—Benjamin Fitzpatrick.
Baldwin—J. H. Hastie.
Barbour—Green Beauchamp, B. B. McKenzie, M. M. Glenn.
Blount—W. H. Edwards, J. C. Gillespie.
Butler—W. H. Crenshaw, M. C. Lane.
Chambers—T. Towles, J. Ware.
Cherokee—John Lawrence, Thomas. B. Cooper, Henry C. Sanford
Chactaw—Joshua Morse, Thomas W. Coleman.
Clark—Samuel Forwood.
Coffee—John G. Moore.
Conecah—Wm. A. Ashley.
Coosa—Daniel Crawford, C. M. Cabot, William A. Wilson.
Covington—J. G. Robinson.
Dale—R. Deal, J. C. Matthews.

Dallas—T. M. Matthews, J. S. Hunter.
DeKalb—Wm. O. Winston, Alfred Collins.
Fayette—W. W. Wilson, E. P. Jones.
Franklin—Christopher Tompkins.
Greene—Wm. P. Webb, A. S. Jeffries.
Henry—W. H. Wood.
Jackson—W. J. B. Padgett, Bailey Bruce, James Williams.
Jefferson—W. S. Mudd.
Lauderdale—R. M. Patton.
Lawrence—Jas. S. Clark, J. B. Speake.
Limestone—Joshua P. Coman, Thomas J. McClellan
Lowndes—J. F. Clements, Geo. C. Freeman.
Madison—John N. Drake.
Macon—Linn B. Sanders, J. T. Crawford, R. H. Howard.
Marengo—James Taylor Jones.
Marion—G. M. Haley.
Marshall—Albert G. Henry.
Mobile—C. C. Langdon, G. Y. Overall, James Bond, C. P. Gage.
Monroe—S. J. Cumming.
Montgomery—J. A. Elmore, E. Y. Fair.
Morgan—John T. Rather.
Perry—J. F. Bailey, C. W. Lee.
Pickens—M. L. Stansel, R. Henry.
Pike—E. S. Owens, S. Freeman M. B. Locke.
Randolph—Robert T. Smith, Geo. Forrester, J. H. Davis.
Rusell—A. B. Griffin, G. D. Hooper.
Shelby—N. B. Mardis, James T. Leeper.
St. Clair—C. T. Beeson,
Sumpter—John A. Winston.
Talladega—Alexander White, A. Cunningham, Joseph D. McCann.
Tallapoosa—D. H. Thrasher, Wm. J. Boon, E. Greathouse.
Tuscaloosa—Moses McGuire, John C. Foster.
Walker—B. M. Long.
Washington—W. H. Coleman.
Wilcox—A. B. Cooper.
Winston—C. C. Sheets.

The Chairman announced that ninety-two members had enrolled their names as delegates, when the following oath was administered to each delegate by his excellency, Lewis E. Parsons, Provisional Governor of the State of Alabama, to wit:

I do solemnly swear, or affirm, in the presence of Almighty

God, that I will henceforth faithfully support, protect and defend the Constitution of the United States and the Union of the States thereunder; and that I will, in like manner, abide by and faithfully support all laws and proclamations, which have been made during the existing rebellion, with reference to the emancipation of slaves—So HELP ME GOD.

Mr. Cooper, of Cherokee, moved that the Convention proceed to elect permanent officers for the Convention, which was adopted.

Mr. Cooper, of Cherokee, put in nomination the name of the Hon. Benjamin Fitzpatrick, for President of the Convention, who was unanimously elected by acclamation.

Mr. Cooper, of Cherokee, moved that a committee of three be appointed, to wait on the Hon. Benjamin Fitzpatrick, and inform him of his election and conduct him to the Chair, which was adopted. Whereupon the Chairman appointed Messrs. Cooper, Fair and Lee, said committee.

The President upon being conducted to the Chair, delivered an appropriate address; and then the Convention proceeded to the election of a Secretary.

Mr. Elmore put in nominntion, A. B. Clitherall; Mr. White nominated Micah Taul, and Mr. Clark, of Lawrence, put in nomination, William H. Ogbourne.

On the first ballot Mr. Clitherall received 33 votes; Mr. Taul received 23 votes; and Mr. Ogbourne received 35 votes.

There being no election, the Convention proceeded to the second ballot, when Mr. Clitherall received 32 votes; Mr. Taul received 23 votes; and Mr. Ogbourne received 37 votes.

Neither candidate having received a majority of all the votes, the Convention proceeded to the third ballot, when Mr. Clitherall received 38 votes; Mr. Taul received 16 votes; and Mr. Ogbourne received 38 votes.

There being no election, the Convention proceeded to ballot the fourth time, when Mr. Clitherall received 42 votes; Mr. Taul received 6 votes; and Mr. Ogbourne received 43 votes; Mr. Taul's name was then withdrawn, and the Convention proceeded to ballot the fifth time, when Mr. Clitherall received 45 votes; and Mr. Ogbourne received 45 votes.

Neither having received a majority, the Covention proceeded to ballot the sixth time.

On casting up the votes, it being discovered that an error had been committed, no vote was announced; but the Con-

vention proceeded to ballot again, when Mr. Clitherall recieved 45 votes; and Mr. Ogburne received 46 votes.

Mr. Ogbourne was declared elected Secretary of the Convention—came forward—was duly qualified and entered upon the discharge of the duties of the office.

On motion of Mr. Fair, the Convention proceeded to elect an assistant Secretary.

Messrs. W. W. Screws and George M. Hooper being in nomination, Mr. Screws received 35 votes; and Mr. Hooper 38 votes.

Mr. Screws being elected, appeared before the Convention, was qualified, and entered upon the duties of his office.

The election of Doorkeeper being next in order, Mr. Crawford, of Coosa, put in nomination Mr. Robert Clark, and Mr. Fair nominated Mr. W. D. Bobbitt.

On the first ballot Mr. Clark received 75 votes; and Mr Bobbitt received 10 votes.

Mr. Clark, being declared elected, appeared, was qualified and entered upon the duties of his office.

Mr. Griffin moved that the Convention go into the election of Engrossing Clerk, which motion was lost.

Mr. Webb offered the following resolution:

Resolved, That that the following standing committees be appointed by the President of this Convention, to wit:

1 A committee of nine on the Preamble of the Constitution, Bill of Rights and Distribution of Powers.

2 A committee of nine on the Legislative Department of the Constitution.

3 A committee of nine on the Executive Department of the Constitution

4 A committee of nine on the Judicial Department of the Constitution.

5 A committee of nine on the General and Miscellaneous Provisions of the Constitution.

5 A committee of nine on Federal Relations.

7 A committee of nine on Enrolled Ordinances and Amendments.

8 A committee of nine on Printing.

9 A committee of nine on Mileage and Pay of Members.

10 A committee of nine on Elections.

Which resolution, by consent, was laid over until to morrow.

Mr. Cooper, of Cherokee, offered the following ordinance:

Be it ordaincd, that the printers for the provisional Government be and they are hereby authorized to do the print-

ing required by this Convention upon the same terms, as by contract with the Governor they do the printing for said provisional Government, which ordinance was adopted.

Mr Mudd offered the following resolutions :

Resolved, That a committee, to consist of one member from each judicial circuit, be appointed by the President, to enquire and report to this Convention such alterations and amendments to the constitution as may be proper and expedient to restore the State of Alabama to its constitutional relations to the Federal Government, and entitle it's citizens to protection by the United States, against invasion and domestic violence.

Resolved, That a committee, to consist of one member from each judicial circuit, be appointed by the President to enquire and report to this Convention such action as may be proper and expedient to be taken, relative to an act, commonly known as the ordirance of secession, approved and adopted, on the 11th day of January, 1861, by a convention of this State ; and also to enquire and report what action should be taken for the purpose of ratifying such legislative, executive and judicial acts not in conflict with the Constitution of the United States as were passed and adopted by the authorities acting in this State, in a legislative, judicial and executive capacity since the 11th day of January, 1861. The resolutions were adopted.

Mr. Stansel offered the following resolution, which was adopted :

Resolved, That the parliamentary rules of the last session of the House of Representatives of the State of Alabama, so far as the same may be applicable, be adopted as the rules of this Convention.

Mr. Patton offered the following resolution, which was adopted :

Resolved, That editors and reporters of journals and newspapers be respectfully invited to occupy seats within the bar of this hall.

On motion of Mr. Cooper, of Cherokee, the Convention then adjourned till to-morrow morning, ten o'clock.

HOUSE OF REPRESENTATIVES,

Montgomery, Alabama, September 13, 1865.

The Convention met pursuant to adjournment, the journal of yesterday's proceedings was read, corrected and approved.

By consent the call of the counties was suspended to allow Mr. Cooper, of Wilcox, to offer the following resolution :

*Resolved*, That the President of this Convention be requested to invite the Ministers of the Gospel of this city to open the session of this Convention with prayer.

Mr. Cooper, of Cherokee, moved to amend the resolution by striking out the words "of this city," and inserting in lieu thereof, "who are members of this body," which amendment was adopted.

Mr. Sanders introduced the following as a substitute for the resolution as amended :

*Resolved*, That the day sessions of this Convention, be opened by prayer, and that the President appoint a committee of two to request the Ministers of the different christian denominations to officiate alternately in that capacity. The substitute was adopted.

The chair appointed Messrs. Patton and ——— as the committee.

The following named delegates appeared within the bar, Messrs. P. Dox, of Madison ; J. B. Moore, of Franklin ; J. L. Sheffield, of Marshall ; J. Potter, of Cherokee ; and J. F. Martin, of Marion, who were duly qualified and took their seats as delegates.

Upon a call of the counties the following ordinances, memorials and resolutions were introduced :

By *Mr. Mardis*—It is the sense of this Convention, that all political rights are inherent in the people, and that all free Governments are founded on their authority and instituted for their benefit, and that they can only be abrogated by the same power which brought them into existence.

Now, by articles 9th and 10th, among the amendments to the Constitution of the United States, it will be seen that the States are not that power ; that there are three sets of rights therein recognized.

1st. Rights granted to the Government of the United States.

2nd. Rights granted that are not prohibited by it to the States.

3rd. Rights retained by the people.

Now, as the States are therein understood, the State Governments cannot represent the original sovereignty of the people, because it would seem to be out of the three portions into which the people have voluntarily divided their sovereignty, the States profess only one ; this must be so, else there

is no meaning in those articles of the Constitution. The States therefore employ only a part sovereignty of the people, and in the same sense that mathematically a part is not equal to the whole, they could not perform the acts of the greater power; they could not unmake what they never had power to make.

*Be it therefore Resolved*, By this Convention:

1st. That the ordinance of secession passed by the Alabama State Convention on the 11th day of January, 1861, is unconstitutional, and consequently illegal and void.

2nd. That a union of the States, under one Federal head, is essential to the wellbeing and existence of the United States as an independent power.

3rd. That it is only in our united character that we are known as an empire; that our independence is acknowledged; that our power can be regarded, or our credit supported among foreign nations.

4th. That the treaties of European powers with the United States of America, will have no validity on the dissolution of the Union.

5th. That inasmuch as the leaders of the rebellion, who have caused the earth to be drenched with blood, and the land to robed in mourning, have been forced to lay down their arms, and turn over to the conservative people of the State, the reigns of the civil Government by which the State has become both peaceful and loyal to the United States Government, she is now entitled to all the rights, privileges and protection from the Government that she was before said Ordinance was passed.

The resolutions were read, referred to the Committee, appointed under the second resolution of Mr. Mudd.

Mr. Webb introduced an ordinance to be entitled an Ordinance in relation to the Ordinance of Secession, and other ordinances and resolutions adopted by a former Convention of the State of Alabama, begun and held on the 7th day of January, 1861, and on the 4th day of March, the same year.

1st. *Be it Ordained by the people of the State of Alabama in Convention Assembled*, That an ordinance adopted by a former Convention of the State of Alabama, entitled "An Ordinance to dissolve the Union between the State of Alabama and other States united together under the compact styled the Constitution of the United States of America," be and the same is hereby abrogated and declared to be null and void.

2nd. *Be it further Ordained*, That alll the other ordinances,

resolutions and proceedings of a former Convention of this State, began and held on the 9th day of March of the same year, and the same are hereby adopted and declared to be null and void.

The ordinance was read one time and referred to the committee raised by the 2nd resolution of Mr. Mudd.

Mr. Cooper, of Cherokee, presented a memorial from L. M. Stiff, late U. S. receiver of public moneys.

The memorial was refered to the Committee on Propositions and Grievances.

Mr. Clark introduced the following resolution, which was adopted :

Resolved, That a committee of three be appointed by the Chair, who shall have authority to employ two short hand reporters, for the purpose of furnishing verbatim reporst of the debates of this Convention, and said committee shall be authorized to award as just and equitable compensation for the services of such reporters.

The call of the counties being over, Mr. White moved a reconsideration of the action of the Convention upon the resolutions offered by Mr. Mudd, of yesterday.

The motion was lost, and the Convention refused to reconsider.

The Convention then proceeded to the consideration of the resolutions offered by Mr. Webb, yesterday, in relation to, standing committees, which were laid over until to-day.

Mr. Webb offered the following as a substitute, which was adopted :

Resolved, That the President of this Convention appoint the following Standing Committees :

1. A committee of one member from each Judicial Circuit, on Amendments to the Constitution of the State.
2. A committee of nine on Federal Relations.
3. A committee of five on Enrolled Ordinances, and Constitional Amendments.
4. A committee of five on Printing.
5. A committee of nine on Mileage and pay of Members of the Convention, and on the expenses of the Convention, and expenses of Administering the Amnesty and Registration oaths.
6. A committee of nine or Elections.
7. A committee of nine on Congressional Districts and Representation.
8. A committee of nine on State Debt.

9. A committee of nine on Accounts
10. A committee of five on Propositions and Grievances.
11. A committee of five on Ways and Means.

There being no further business, on motion of Mr. Rather, the Convention adjourned until 10 o'clock to-morrow morning.

THURSDAY, September 14, 1865.

The Convention met persuant to adjournment.

Prayer by Rev. Mr. Bruce, a delegate from the county of Jackson.

The Journal of yesterday was read, corrected and approved.

Mr. President announced the following committee :

Messrs Clark, Langdon, and Fair to select the Reporters contemplated by the resolution of Mr. Clark.

He also laid before the Convention the following, as the committees under the resolution of Mr. Mudd :

Under the 1st resolution of Mr. Mudd, of the 3rd Judicial Circuit.

Mr. Hunter, of the 1st Judicial Circuit.
" Elmore " 2nd " "
" Patton " 4th " "
" Cooper " 5th " "
" Langdon " 6th " "
Mr. Winston, of Sumter, of the 7th Judicial Circuit.
Mr. Beuchamp the 8th Judicial Circuit.
" Hooper " 9th " "
" Foster fo C " 10th " "
"Cooper, of Wilcox 11th " "

Under the second resolution of Mr. Mudd,

Mr. Crenshaw of the 11th Judicial Circuit.
" Lee " 1st " "
" Crawfard of Coosa 2nd " "
" Mardis " 3rd " "
" Clark " 4th " "
" Winston of DeKalb, 5th " "
" Overall " 5th " "
" Webb " 7th " "
" Moore of Coffee 8th " "
" Howard " 9th " "
" White " 10th " "

He also laid before the Convention the following standing committees :

On Amendments to the State Constitution.

Mr. Webb of the 7th Judicial Circuit.
" Bailey " 1st " "
" Clements " 2d " "
" Jones of Fayette " 3d " "
" Coman " 4th " "
" Dox " 5th " "
" Bond " 6th " "
" Mathews of Dale " 8th " "
" Greathouse " 9th " "
" Smith " 10th " "
" Cumming " 11th " "

On Federal Relations:

Messrs. Fair, Irwin, Lane, Ashley, Matthews, of Dallas, Patton, Fowles, Williams, Henry, of Pichens.

On Enrolled Ordinances and Constitutional amendments:

Messrs. Henry, of Marshall, Sheets, Speake, Cunningham and Cabot.

On Printing:

Messrs. Wilson, of Fayette, Foster, of Tuscaloosa, Padgett, Locke and Davis.

On Mileage, pay of Delegates and affairs of the Convention, the expenses of the Convention and the expences of administering Amnesty and Registration oaths:

Messrs. McClellan, Gillespie, Moore, Robinson, Hastie, Wilson, of Coosa, Forwood, Crawford, of Macon, and Martin.

On Elections:

Messrs. Jones, of Marengo, Drake, Coleman, of Chactaw, Bruce, Thrasher, Sanford, Griffin, Forrester and Tompkins.

On Congressional Districts and Representation:

Messrs. Patton, Crenshaw, Cumming, Stansel, Sanders, McGuire, Cunningham, Sheffield and Glenn.

On State Debt:

Messrs. Elmore, Mudd, Gage, Freeman, of Lowndes, Jeffries, Moore, of Franklin, Edwards, Ware and Freeman of Pike.

On Accounts and Claims;

Messrs. Coleman, of Washington, Collins, Haley, Wood, Boon, McCauley, Lawrence, Owen and McKenzie.

On Propositions and Grievances:

Messrs. Cooper, of Cherokee, Moragne, Beeson, Deal and Long.

On Ways and Means:

Messrs. Winston, of Sumter, McCann, Leeper, Patton and Hays.

Upon a call of the counties, the following ordinances and resolutinos were introduced :

By Mr. Foster, of Calhoun : An ordinance to amend the Constitution, which was read and referred to first special committee :

By Mr. Matthews, of Dallas: The following resolution, which was addopted :

Resolved, That his excellency, the Provisional Governor of the State, be and he is hereby requested to transmit from time to time to this Convention any communition on paper he may deem of interest to the State.

By Mr. Moore, of Franklin : An ordinance declaring the "so called ordinance of Secession", null and void.

Also an ordinance to legalize the acts of civil officers, which were severally read and referred to second special committees.

By Mr. Webb : An ordinance in relation to the abolition of slavery, which was read and referred to first special committee.

Also an ordinance to amend the Constitutution of the State.

By Mr. Overall, an ordinance to amend the 13th subdivision of article sixth, of the Constitution.

Also an ordinance to amend the 10th Section or Subdivision of article fifth of the Constitution.

By Mr. White, an ordinance to change the tenures and modes of electing the Judges of the supreme and circuit courts and chancellors of the State of Alabama, which were severally read a first time and referred to the committee and Constitutional Amendments.

By Mr. Clark, an ordinance in relation to Marriages.

By Mr. Bond, an ordinance to regulate and continue in force, the acts of the Legislature of Alabama as now existing, and the rights and remedies therein provided, not inconsistent with the Constitution of the State, or of the United States, or the ordinances of this Convention.

By. Mr. Stansel, an ordinance, appointing officers, civil and judicial of this State.

By McGuire, an ordinance to authorize settlement of contracts made or extended between the 10th day of January, 1861, and the——day of——1865, which were severally read and referred to the 2d special committee.

By Mr. Clark, an ordinance in reference to the Sate Debt, which was read and referred to the committee, on State Debt.

By Mr. Cumming, the following reslutions :

1. Resolved, That this Convention go into an election for Engrossing Clerk on to-morrow, at eleven o'clock, A. M.

2. That the Secretary of the Convention is hereby authorized to employ two youths, or pages for the Convention, and that they shall be entitled to two dollars a day each for their services.

Mr. Crenshaw moved to amend by striking out the words, on "to-morrow" and insert the word "to-day."

On motion of Mr. Winston, of Sumter, the amendment and the resolutions were laid upon the table.

By Mr. White, an ordinance to provide for Elections, which was read once and referred to committee on Elections.

Also the following resolutions, which were lost:

Resolved, That a committee of five be appointed to consider the expediencey of changing the areia of counties, so as to reduce the number of square miles, in a county, below the present Constitutional requirement.

Mr. Patton introduced the following resolution, which was adopted:

Resolved, That the committe on Printing be instructed to inquire into the nature and terms of contracts, by which the Printing for the Convention is now done, and to report to the Convention.

On motion of Mr. Greathouse, the Convention adjourned until 10 o'clock, A. M., to-morrow.

FRIDAY, September 15, 1865.

The Convention met pursuant to adjournment.

Prayer by the Rev. Mr. Sandford, a delegate from the county of Cherokee.

Mr. Patton announced as present, Mr. Irvine, a delegate from the county of Lauderdale.

Mr. Irvine appeared, was qualified and took his seat.

The Jounrnal of yesterday was read and approved.

Upon motion of Mr. Cumming, the call of the counties was suspended, in order to take from the table his resolution of yesterday, in relation to the election of an Engrossing Clerk, and the employment of two pages.

Upon motion of Mr. Rather, the first resolution was stricken out, and the resolution as amended, was adopted.

The call of the counties was then proceeded with, and the following ordinances and resolution, were introduced:

By Mr. Hastie, an ordinance to authorize the Judge of the Sixth Judicial Circuit of this State, to fix the place of hold-

ing the circuit court in Baldwin county, which was read twice.

Mr. Hastie moved that the ordinance be referred to a select committee of three, which was carried.

The President announced Messrs. Hastie, Langdon and Ashley as said committee.

Mr. Cooper, of Cherokee, offered the following resolution, which, under the rules of the Convention, lies over one day:

Resolved, That all ordinances and resolutions designed as organic laws, must be read on three several days in this Convention, before the same shall become a law; provided the rule may be suspended by a vote of a majority of delegates present.

By Mr. Sanford, an ordinance to change the limits of counties.

By Mr. Moore, of Franklin, an ordinance in reference to private contracts, which was read once and ordered to a second reading on to-morrow.

Mr. Dox offered the following resolutions—the further consideration of which was, on his motion, postponed until to-morrow:

Whereas, the object for which this Convention was assembled, was that such measures might be adopted, as should be deemed necessary to restore the State of Alabama to its proper relations to the Government of the United States, and this object being accomplished, the duty of this Convention, at its present session will have been performed,

Therefore, be it resolved, That it will not be expedient for the Convention at its present session to consider or act upon any propositions changing the Constitution of the State of Alabama as it existed prior to the 11th day January, 1861, excepting by the adoption of the following, to wit:

1. An ordinance providing for the abrogation and repeal of the ordinance of Secession, passed the 11th day of January, 1861, and other ordinances, consequent upon said ordinance of Secession.

2. An ordinance acknowledging the abolition of slavery in this State by the military power of the United States, and prohibiting it's future restoration in this State.

3. An ordinance providing security and protection for the large class of persons (lately slaves) who, by being suddenly emancipated, have been left helpless and dependent within this State.

4. An ordinance ratifying and offering with proper quali-

fications all laws enacted in this State, subsequent to the 11th day of January, 1861, and all judicial decisions and decrees by courts of equity made since the said 11th day of January, 1861.

In the cases where such laws, judgments and decrees are not incompatible with the Constitution of the United States, the Constitution and laws of the State of Alabama as they existed prior to the 11th day of January, 1861, and the ordinances to be adopted by this Convention.

And whereas, it may seem proper to the people of this State, in view of the exigencies, in view of their new and untried relations, to alter and amend their State Constitution in other particulars than are indicated by the forgoing resolution, it is therefore resolved :

That, when this Convention adjourns, it will do so to meet again upon the call of the President thereof, who is hereby empowered to convene this body at such future time as, in his judgment, shall be demanded by a due regard to the welfare of the people of this State.

By Mr. Webb, an ordinance, ratifying certain laws of the State since the 11th day of January, 1861.

By Mr. Overall, an ordinance to legalize decrees of divorces rendered by the Chancery Courts of this State since the 11th day of January, 1861.

By Mr. Rather, an ordinance in relation to the statues of limitation and new claims, which were severally read twice and referred to second special committee, under a suspension of the constitutional rule.

By Mr. Mudd, an ordinance to amend section 12 of the declarations of rights in the constitution of this State, which, under a suspension of the rule, was read twice and referred to the committee on constitutional amendments.

Mr. Cooper, of Wilcox, introduced the following resolution, which was adopted :

Whereas, the original constitution of Alabama has at different times altered and amended, and is likely to be materially altered and amended by this convention, now that all such alterations and amendments may be embodied and properly arranged in the constitution, and such parts of the constitution as are altered or amended may be omitted and left out, therefore

Resolved, that a committee of one from each judicial circuit be appointed by the President, whose duty it shall be to transcribe the constitution, inserting in their proper place

and position, all the alterations and amendments heretofore made and which may be made by this convention, and that said committee have power and authority to employ a clerk.

The President announced the following as comprising the committee: Messrs Cooper, of Wilcox, Lee, Elmore, Leeper, Irvine, Williams, Langdon, Winston, of Sumter, McKenzie, Towles, Foster, of Calhoun.

Mr. Clark, from the special committee to secure short-hand reporters for the convention, made the following report, which was adopted:

The special committee, to whom was referred the resolution comferring authority upon said committee to employ two competent short-hand reporters, for the purpose of furnishing verbatim reports of the debates of this convention, and authorizing the same to award a just and equitable compensation for the services of such reporters, beg leave, respectfully, to report that they have had the same under consideration, and that they have conferred with and engaged to perform the services mentioned in said resolutions, Messrs. Burnham and Bartlett, at the rate of fifteen dollars per day.

Mr. Cooper, of Cherokee, from the committee on Propositions and Grievances, made the following report:

The committee on Propsitions and Grievances, to which was referred the petition of L. M. Stiff, have had the same under consideration, and a majority of the committee instruct me to report it back to the convention as presenting a claim which is just, but that it is inexpedient to legislate upon it in this body, as in the opinion of said majority, it is a proper subject of legislation by the General Assembly of the State.

Mr. Long, from the committee on propositions and grievances, made the following minority report:

The minority of the committee, to whom was referred the application of Mr. Stiff, for relief on account of money belonging to the United States from the sale of land in the Coosa land district, in compliance with an ordinance of the State convention of 1861, beg leave to submit the following report:

We consider the Ordinance of Secession, passed the 11th day of January, 1861, as illegal and void, and as a consequence, all indebtedness of the State incurred by reason of secession, to aid and encourage the same, as void; that the application has no higher claim for relief than the holders of the bonds or State treasury notes, issued since 11th of January, 1861; that the State is as much bound, legally and

morally, to pension and relieve the destitute families of soldiers who were forced by the action of Alabama into the service of the so-called Confederrte States, as it is to pay claims of this character.

Mr. Cooper, of Cherokee, moved to lay both reports on the table.

Mr. Clark called for a division of the question.

The vote was then taken on laying the majority report on the table, which motion was lost. The vote was then taken on laying the minority report on the table, and the yeas and nays were demanded.

Those who voted in the affirmatine are, Messrs. President, Ashley, Bailey, Beauchamp, Bond, Clements, Coleman, of Choctaw, Coleman of Washington, Cooper, of Ceerokee, Cooper, of Wilcox, Crawford of Coosa, Crawford, of Macon, Crenshaw, Cumming, Cunningham, Deal, Drake, Davis, Elmore, Fair, Foster, of Calhoun, Foster, of Tuscaloosa, Forwood, Freeman. of Lowndes, Freeman, of Pike. Gage, Gillespie, Glenn, Hastie, Henry, of Pickens, Howard, Irvine, Jeffries, Jones, of *M*arengo, Lane, Langdon, Lawrence, Leeper, Locke, Mardis, *M*atthews, of Dale, McCauley, McGuire, Moore, of Coffee, Moragne, Morse, Overall, Owens, Patton, Potter, Robinson, Sandford, Sanders, Stansel, Webb, Wilson, of Coosa, Winston, of Sumter, Williams, Wood. Yeas 59.

Those who voted in the negative, are: Beeson, Boon, Bruce, Clark, Collins, Coman, Edwards, Forrester, Greathouse, Griffin, Haley, Henry, of Marshall, Jones, of Fayette, Lee, Long, Matthews, of Dallas, McClellan, McKenzie, Moore, of Franklin, Morton, Mudd, Padgett, Rather, Sheets, Sheffield, Smith, Speake, Tompkins, Towles, Thrasher, Ware, White, Wilson, of Fayette, Winston, of DeKalb. Nays, 34.

The following message was received from His Excellency, Lewis E. Parsons, Provisional Governor of the State:

EXECUTIVE CHAMBER, September 15, 1865.

To the Honorable the Convention of the People of Alabama:

In response to your resolution of the 14th intstant, inviting the Provisional Governor to communicate to your body any matter I might deem of interest to the State of Alabama, I respectfully call your attention to the report and statements of the State Salt Commissioner of Alabama, announcing that a large amount of property and assets belonging to the State remain in his posession, and is liable to waste, and invite such action as you may deem necessary.

LEWIS E. PARSONS.
Provisional Governor of Alabama.

The message and accompanying documents were referred to a select committee of five, composed of Jeffries, Cooper, Forwood, Morse, and Matthews, of Dallas.

Mr. Cooper, of Cherokee, offered the following resolution, which was adopted:

Resolved, That it is the sense of this Convention that a standing committee upon the Judiciary should be raised for the dispatch of business, and the President of this Convention is therefore instructed to appoint such committee, to be composed of nine members. The President announced the following as the committee, under said resolution:

Messrs. Cooper, of Cherokee, Dox, of Madison, White, Bond, Mudd, Hunter, Cumming, Clarke, Fair.

On motion of Mr. Cumming, the Convention adjourned until 10 o'clock to-morrow.

SATURDAY, September 16, 1865.

The Convention met pursuant to adjournment. Prayer by the Rev. Mr. Foster, a delegate from Tuscaloosa.

The journal of yesterday was read and approved.

Upon motion of Mr. Crenshaw, the call of the counties was suspended in order to take up the following resolution:

Resolved, That all ordinances and resolutions designed as organic laws, must be read on three several days in the Convention before the same shall become a law: Provided, this rule may be suspended by a vote of a majority of the delegates present. The resolution was then adopted.

Upon a call of the counties the following ordinances and resolutions were introduced:

By Mr. Sanford, an ordinance in relation to county lines upon a suspension of the rules; the ordinance was read a second time.

Mr. Griffin moved to amend by striking out "12" where it occurs and insert in its place the word "eight."

The amendment was lost.

The ordinance was then referred to the Committee on Constitutional Amendments.

By Mr. Clements, an ordinance to amend the Declaration of Rights by adding a clause thereto which, under the suspension of the rule, was read twice and referred to the Committee on Constitutional Amendments.

By Mr. Crawford, of Coosa, the following resolution which was

Resolved, That with a view of equalizing the labor of the

different Circuit Judges of this State, the Judiciary Committee be instructed to inquire into the expediency of removing the constitutional restrictions that prevent the Legislature from effecting the object.

By Mr. Tompkins, the following resolution :

Resolved, By the people of the State of Alabama in convention assembled, that they hereby pledge themselves to the prompt payment of any debt contracted by the State, or for which the State was liable previous to the 11th day of January, 1861.

On motion the resolution was referred to the Committee on State Debt.

By Mr. Webb, an ordinance to ratify certain official acts, &c., since 11th day of Janurry, 1861, which was read twice under a suspension of the rule, and referred to the second special committee.

By Mr. Webb, The following resolutions :

Resolved, That the Committee on Federal Relations be instructed to prepare a memorial, representing to the President of the United States the action which has been taken by this Convention in restoring the State of Alabama to its former constitutional relations to the Federal Government, and establishing civil government in this State ; also informing the President of the desire and intention of the people of this State, to be and remain loyal citizens of the Government of the United States ; that they fully recognize and submit to its authority, and will give a cordial support to the administration of his Excellency, Andrew Johnson, President of the United States, in his efforts to restore to the State its constitutional rights as a member of the Federal Union ; and also, that in view of the action of this Convention, and the loyalty of the people of the State, the said committee shall respectfully request the President of the United States to issue a proclamation granting amnesty and pardon to all persons and citizens not included in the proclamation of the 29th of May, 1865.

The resolution was adopted.

On motion of Mr. Jeffries,

Resolved, That the Committee on Elections be instructed to report as soon as practicable, designating a day for the election of the members of the Legislature, and other State officers.

On motion of Mr. Dox,

Resolved, That the Secretary of State be respectfully

requested to transmit to the Convention a tabular statement of the votes cast in the several counties of the State, in the recent elections of delegates to this Convention, as soon as may be convenient; also, the number of persons in the several counties of this State, who are returned to the office as having taken the Registry Oath.

Mr. Cooper, of Cherokee, asked to be excused from serving as chairman of the judiciary committee, which was granted, and upon his motion Mr. White was appointed in his place.

Mr. Wilson, of Fayette, from the Committee on Printing, to which was referred the resolution instructing them to inquire into the nature and terms of the contract by which the printing of the convention is now done, reported that by an ordinance of the Convention. Messrs. Gibson & Whitfield, of the city of Montgomery, were employed to do the printing of the Convention on the same terms as made between them and the Provisional Governor of Alaboma, to do the printing for the Provisional Government of the State of Alabama. According to said contract, a copy of which is herewith submitted, they were to receive the price allowed by the code, for such work, with addition of 75 per cent. thereto.

On motion of Mr. Wilson, of Fayette, the report was laid on the table.

Mr. Mudd, from the first Special Committee, to which was referred various ordinances in relation to the institution of slavery and the abolition thereof, reported an ordinance to be entitled an ordinance in relation to the institution of slavery and the abolition thereof, as a substitute for those referred to said committee.

Mr. White moved to amend the substitute as reported by the committee, by a substitute,

And upon motion by Mr. White, one hundred copies of each were ordered to be printed, and the same postponed and made the special order for Monday next, 11 o'clock, A. M.

Mr. Webb, from the committee on Constitutional Amendments, to which was referred an ordinance to amend the Constitution in relation to slaves, reported favorably thereon.

On motion of Mr. Webb, the report and ordinance were laid upon the table.

Mr. Webb, from the Committee on Constitutional Amendments, to which was referred an ordinance to change the tenures and mode of electing judges of the supreme and circuit courts, and chancellors of the State of Alabama,

reported the same back to the Convention, with the request that the committee be discharged from its farther consideration, and that it be referred to the committee on the Judiciary.

The report was concurred in.

Mr. Hastie, from a select committee, to which was referred an ordinance to authorize the judge of the sixth judicial circuit of this State to fix the place for holding the circuit court of Baldwin county, reported favorably thereto.

The ordinance was read a third time and passed.

Mr. Crenshaw, from the second Special Committee, to which was referred sundry ordinances declaring the ordinance of Secession null and void, reported a substitute for the same, entitled an ordinance declaring the ordinance of Secession null and void.

Mr. Clark, from Committe, made a minority report, reporting an ordinance of the same title, as a substitute for the ordinance reported by the minority.

One hundred copies of each ordinance were ordered to be printed, and made the special order for Tuesday next, 10 o'clock, A. M.

Mr. Crenshaw, from second special Committee, to which was referred an ordinance in relation to certain ordinances and resolutions of a Convention of the State of Alabama, began and held on the 11th day of January, 1861, and on the 4th day of March, 1861, reported a substitute therefor, which was adopted, and one hundred copies ordered to be printed.

The consideration of the ordinance was postponed and made the special order for Tuesday next, at 11 o'clock, A. M.

Mr. Crenshaw, from 7th Special Committee, to which was referred an ordinance in relation to marriage, reported favorably thereon, with the following amendment, which was adopted: Provided, there shall be a registry made in the Probate office of the proper county of all marriages legalized by this ordinance within six months from the adoption of the same:

The amendment was adopted, and Mr. Bond moved to amend as follows:

Provided, that no such resgistration shall be made except upon the written consent of both parties, which was lost.

The ordinance was then read a third time and was lost.

The Convention then proceeded to the consideration of the general order, the first in order being an ordinance to change the limits of counties, which was read second time,

and which was referred to committe on Constitutional Amendments.

Also an ordinance in reference to private contracts, which was read second time and referred to the Judiciary Committee.

The resolutions of Mr. Dox coming up, on his motion their further consideration was postponed until Monday next.

The Convention then adjourned until Monday next, 10 o'clock, A. M.

HOUSE OF REPRESENTATIVES,
Montgomery, Alabama, September 18, 1865.

The Convention met pursuant to adjournment.

Prayer by the Rev. Dr. Petrie, Paster of the first Presbyterian church in Montgomery.

Mr. Gordon, the delegate elect from the county of Bibb, appeared within the Hall, and was duly qualified.

Mr. Crenshaw moved to reconsider the vote by which the Convention adopted the resolution of Cooper, of Cherokee, in relation to the reading of ordinances or resolutions three times on three several days, which motion was carried by the following vote : Yeas, 52, Nays, 40.

Those who voted in the affirmative, are Messrs. Ashley, Bailey, Beauchamp, Bond, Boon, Bruce, Cabot, Clark, Coleman, of Choctaw, Coleman, of Washington, Collins, Coman, Cooper, of Wilcox, Crawford, of Coosa, Crawford, of Macon, Crenshaw, Drake, Davis, Elmore, Fair, Foster, of Tuscaloosa, Forrester, Forwood and Freeman, of Pike, Glenn, Greathouse, Henry, of Marshall, Henry, of Pickens, Hooper, Howard, Hunter, Lane, Lee, Locke, Long, McCann, McClellan, McGuire, McKenzie, Moore, Mudd, Overall, Owens, Potter, Rather, Sheets, Sheffield, Smith, Towles, Ware, Winston, of DeKalb, Winston, of Sumter—52.

Those who voted in the negative, were Messrs. President, Cooper, of Cherokee, Cumming, Deal, Drake, Dox, Edwards, Foster, of Calhoun, Gage, Gardner, Griffin, Haley, Hastie, Irvine, Jeffries, Jones, of Fayette, Jones, of Marengo, Langdon, Lawrence, Leeper, Mardis, Matthews, of Dale, Matthews, of Dallas, McCauley, Moore, of Coffee, Monre, of Franklin, Moragne, Padgett, Patton, Robinson, Sanders, Sandford, Speake, Stansel, Tompkins, Thrasher, Webb, White, Wilson, of Fayette, Williams,—40.

The hour of 10 o'clock having arrived, the time set apart for the consideration of the special orders,

On motion of Mr. Crenshaw, the special orders were suspended in order to dispose of the matter under consideration, and for the call of the counties.

The Convention resumed the consideration of the rule.

Mr. Crenshaw moved to amend by way of substitute, as follows :

Resolved, That all ordinances upon their introduction, may be referred or acted upon finally, as this Convention may determine.

Mr. Cooper, of Cherokee, moved to lay the substitute offered upon the table, which was lost.

The substitute was then adopted, and the resolution as amended was adopted.

Upon a call of the counties, the following resolutions were introduced :

By Mr. Potter, a resolution as follows :

Resolved, That this Convention proceed at once to take up and examine the Constitution of the State section by section, and make such alterations and amendments as in our judgment will give it the best possible form as the organic law of the State, and most certainly secure its acceptance by the Government of the United States.

Which on motion was referred to the Select Committee on Constitutional Amendments.

By Mr. Cooper of Cherokee, a resolution, as follows :

Resolved, That the Committtee on the Judiciary be instructed to inquire into the necessity, if any exist, of passing an ordinance granting a stay of execution on all judgments and decrees of the several courts of this State for the payment of money, and that the committee report by ordinance or otherwise.

The resolution was adopted.

Mr. Moore, of Franklin, offered the following resolution :

Resolved, That the Secretary of State be instructed to procure and furnish this Conventien as early as possible, one hundred printed copies of the Constitution of Alabama, as existing on the 10th day of January, 1861.

The resolution was laid on the table.

By Mr. Patton, an ordinance to amend sections nine and ten, of article three of the Constitution.

By Mr. Cooper, of Wilcox, and ordinance in relation to the Term of Office, and other qualifications of the Governor of Alabama, which was read and referred to the Committee on Constitutional Amendments.

By Mr. Potter, an ordinance as follows:

Resolved, That the Committee on Congressional Districts and Representation be hereby authorized to have printed one hundred and ten copies of the Enumeration of citizens of this State, as made by the Federal Government, as made in the year 1860.

The resolution was adopted.

By Mr. Sanders, a resolution:

Resolved, That the President of this Covention appoint a committee of five, whose duty it shall be to prepare a petition for the pardon of Jefferson Davis, President of the Confederate States, procure signatures of the members of this Convention thereto, and forward to the President of the United States.

Mr. Clark moved to lay the resolution on the table, but accepted the proposition of Mr. Webb, who moved to refer to Committee on Federal Relations, and it was so referred.

By Mr. Cumming, an ordinance to amend section first of article third of the Constitution of 1819.

Also an ordinance to amend section 19, declaration of rights of 1819.

Also an ordinance to amend article third, of the Constitution of 1819.

By Mr. Stansel, an ordinance for the relief of Executors Administrators &c., which were severally read and referred to the Judiciary Committee.

By Mr. Freeman, of Pike, an ordinance dissolving the rites of matrimony hitherto solemnized between J. C. Matthews and his wife, Fannie Matthews, of the county of Pike, which was read and referred to Committee on Propositions and Grievances.

By Mr. Hooper, a resolution instructing the Committee on the Judiciary to inquire into the expediency of changing the Governor's term of office, which was adopted and referred to the Committee on the Judiciary.

By Mr. Trasher, a resolution:

Resolved, That the Committee on Constitutional Amendments be instructed to inquire into the expediency of amending paragraph one, of article one, designated as declaration of rights, by striking out the word "freeman" in the first line of said paragraph, and inserting in lieu thereof "free white men," and they report by bill or otherwise.

The resolution was adopted.

By Mr. Hooper, a resolution:

Resolved, That the Committee on Constitutional Amendments be instructed to inquire into the expediency of so altering the 18th section of the 5th article of the Constitution, in force on the 11th day of January, 1861, as to provide that there shall be elected by the qualified electors in each county in the State, a solicitor, who shall hold his office for the term of four years, who shall represent the State in all criminal and all other cases within his county in which the interest of the State are involved, and promising that the general assembly may alter the mode of the election or appointment of this officer, but shall not themselves make such election or appointment.

The resolution was adopted.

By Mr. Cooper, of Wilcox, a resolution:

Rosolved, That the committee on Constitntional Amendments be instructed to examine and inquire whether sections 23d and 28th of article one of the originial Constitution ought not to be amended.

The resolution was adopted.

By Mr. Sheets, a resolution as follows:

Resolved, That in the opinion of this Convention, all amend ments to the Constitution of a general character, except so much as refers to the emancipation of slaves, should be referred back to the people at the next general election for their ratification or rejection.

Resolved further, That the Committee on Constitutional Amendments be instructed to enquire into the expediency of such reference.

The resolution was referred to the Committee on Constitutional Amendments.

The Convention proceeded to the consideration of the special order for 11 o'clock, which was suspended, it being the ordinance in relation to slavery and ablition thereof.

The question pending being on adopting the substitute proposed by Mr. White, pending the discussion of which, on motion of Mr. Greathouse, the Convention adjourned until 3 o'clock, P. M.

## AFTERNOON SESSION.

The Convention met pursuant to adjournment.

The question pending was on the adoption of Mr. White's Substitute for the Committee Substitute for ordinance in relation to the institution of slavery and the abolition thereof.

On motion of Mr. Langdon, the further consideration was postponed until to-morrow morning, 11 o'clock.

Mr. Webb, from the Committee on Constitutional Amendments, made the following report:

The Committee on Constitutional Amendments, to which was referred an ordinance to amend section 12, of the Declaration of Rights of the Constitution of this State, beg leave to report that they have had the same under consideration, and have instructed me to report the said ordinance back to the Convention and recommend its adoption, which on motion was postponed till to-morrow.

Mr. Webb, from the Committee on Constitutional Amendments, made the following report:

The Committee on Constitutional Amendments, to which was referred an ordinance to amend the 10th section of article 5th of the Constitution of the State of Alabama, beg leave to report they have had the same under consideration, and the majority of the committee have instructed me to report the following ordinance as a substitute for the same, and recommend its adoption:

An ordinance to amend the 10th section of the 5th article of the Constitution of Alabama.

Be it ordained by the people of Alabama, in Convention assembled, that the 10th section of article 5th of the Constitution of the State of Alabama, of 1819, be amended by striking out the word "fifty" in the fifth line of said section, and inserting in lieu thereof the words "one hundred."

Mr. Webb moved to postpone the consideration of the substitute reported by the Committee till to-morrow, which motion was lost.

The substitute was then adopted.

The question then being on the adoption of the ordinance, and the yeas and nays being demanded, those who voted in the affirmative are Messrs. President Ashley, Beauchamp, Bond, Boone, Bruce, Cabot, Clark, Clements, Collins, Coman, Cooper, of Wilcox, Crawford, of Coosa, Crawford, of Macon, Crenshaw, Cumming, Deal, Dox, Edwards, Foster, of Calhoun, Foster, of Tuscaloosa, Forrester, Forwood, Freeman, of Lowndes, Freeman, of Pike, Gage, Gardner, Gillespie, Glenn, Greathouse, Griffin, Haley, Hastie, Henry, of Marshall, Henry, of Pickens, Hooper, Howard, Hunter, Jeffries, Jones, of Fayette, Jones, of Marengo, Lane, Langdon, Lawrence, Leeper, Locke, Long, Mardis, Matthews, of Dale, McAuley, McCann, McClellan, McGuire, McKenzie, Moore, of Coffee, Moragne, Mudd, Overall, Owens, Padgett, Patton, Potter, Robinson,

Rather, Sanders, Sanford, Sheets, Shuffield, Smith, Speake, Tompkins, Towles, Ware, Webb, Wilson, of Coosa, Wilson, of Fayette, Winston, of DeKalb, Williams, Wood—yeas 80.

Those who voted in the negative, are Messrs. Bailey, Coleman, of Choctaw, Cooper, of Cherokee, Cunningham, Drake, Davis, Elmore, Fair, Matthews, of Dallas, Moore, of Franklin, Morse, Morton, Stansel, White—nays 14.

Mr. Jones, of Marengo, from the Committee on Elections, made the following report:

The standing Committee on Elections, to which was referred an ordinunce to provide for elections, beg leave respectfully to report that they have had the same under consideration, and have instructed the Chairman to report the following substitute and recommend its adoption.

An Ordinance to provide for Electinos:

Be it ordained by the people of Alabama in Convention assembled, That the President of the Convention shall issue writs of election, directed to the sheriffs of the several counties in the State, requiring them to cause an election to be held for Governor, Representatives in the Congress of the United States, members of the General Aassembly, Judges and Clerks of the Circuit Courts, and for Judges of Probate, Sheriffs, County Commissioners, Justices of the Peace, Constables, Tax Collectors and Tax Assessors, and such other officers for the respective counties as are required by law to be elected by the qualified electors at the respective place of elections in said counties, on Wednesday, the first day of November, 1865, which elections shall be conducted in the manner prescribed by the laws of Alabama previous to the 11th day of January, 1861, and the said officers, when elected, shall continue to hold their offices for the time prescribed by law, and until their successors are elected and qualified.

Mr. Overall moved to amend by inserting the following, immediately after the words "November, 1865:"

"And for a Mayor, seven Common Councilmen and twenty-one Aldermen of the city of Mobile, on the first Monday of December, 1865."

The Amendment was adopted.

Mr. Foster, of Calhoun, moved to adjourn, which was lost.

Mr. Sanford moved to recommit the report as amended to the committee.

Mr. Mudd moved to lay the motion to recommit on the table, which was lost.

Mr. Cooper, of Cherokee, moved to amend the motion with instructions.

Mr. White moved to lay Mr. Cooper's motion on the table, which was carried. The report as amended was then recommitted to the Committee on Elections.

Mr. Henry, of Marshall, from the Committee on Enrolled Ordinances made the following report:

The Committee on Enrolled Ordinances report the following ordinances as correctly enrolled:

An ordinance to amend the 10th section, 5th article of the Constitution.

An ordinance in relation to the printing for this Convention.

An ordinance to authorize the Judge of the 6th judicial circuit of this State to fix the place of holding the circuit court in Baldwin county.

Mr. Crenshaw, from the Select Committee, made the following report:

The Select Committee to which was referred an ordinance ratifying certain laws of the State since the 11th of January, 1861, and, also, an ordinance in relation to the statutes of limitation and non-claims, has instructed me to report a substitute, embracing the provisions of both ordinances in one with some other amendments, as follows:

An ordinance ratifying certain laws of the State passed since the 11th January, 1861:

Be it ordained by the people of the State of Alabama in Convention assembled, That all laws enacted by any Legislature of this State since the 11th day of January, 1861, that have not since been repealed, and which are not in conflict with the Constitution of the United States, be and the same are hereby ratified and declared to be valid from their respective dates, and shall remain in full force and effect until repealed according to law, except all such laws as authorized the issue of bonds, treasury notes and change bills by the State, and the payment of dues and taxes to the State in Confederate bonds or treasury notes, or State treasury notes, and all laws in relation to taxation: Provided, however, that in computing the time necessary to create the bar of the statutes of limitation and non-claim, the time elapsing between the 11th day of January, 1861, and the passage of this ordinance, shall not be estimated pending the consideration of the report of the committee.

On motion of Mr. Webb the Convention adjourned until to-morrow morning, 11 o'clock.

The Convention met pursuant to adjournment, Prayer by the Rev. Dr. McTyeire.

Journals of yesterday read and approved.

Mr. Lee moved to reconsider the vote by which the Convention on yesterday recommitted to the Committee on Elections, an ordinance to provide for re-elections. Pending the discussion of which the order of 11 o'clock having arrived, the President announced the special order for that hour—it being the ordinance in relation to slavery and the abolition thereof.

On motion of Mr. Crenshaw the consideration of the special orders was postponed. The Convention resumed the consideration of Mr. Lee and considered the vote.

Mr. Sanford withdrew his motion for recommitting the ordinance to the Committee on Elections.

Mr. Sheets moved to amend as follows : Strike out the words "President of the Convention," and insert in lieu thereof the words "Provisional Governor of this State be authorized to."

On motion of Mr. Crenshaw, the amendment was laid on the table.

Mr. Cumming moved to amend the ordinance by a substitute of the following title :

To prescribe the time, places and manner of holding an election for Governor, members of the General Assembly and all county officers elected by the people (except Judges of Probate) and representatives to Congress, which was adopted.

Mr. Clark moved to amend by striking out sections 2 and 3, and inserting in lieu thereof, as follows :

Sec. 2. Be it further ordained, that the Provisional Governor of the State be authorized and requested to issue writs of election for members to Congress. Mr. Webb moved to lay on the table—lost. The amendment was then adopted.

Mr. Overall moved to amend as follows, at the end of the first section :

"And for a mayor. seven councilmen and twenty-one aldermen, of the city of Mobile on the 1st Monday in December, 1865, and for the election of a mayor, twelve aldermen and a clerk for the city of Montgomery, on the 1st Monday in December, 1865, which was adopted.

On motion by Mr. Webb, the Convention proceeded to the consideration of the ordinance, section by section.

Mr. Bruce moved to amend 1st section by striking out the word "except," which was lost.

Mr. Jones, of Fayette, moved to amend 1st section by striking out the words "19th of October," and insert "1st Monday in November," which was adopted.

The 1st section of the ordinance as amended was adopted.

Sections 2 and 3 were adopted without amendment.

Mr. Jones, of Fayette, moved to amend the 4th section by striking out the words "1st Monday," and insert in lieu thereof "3d Monday," which was adopted.

The Convention resumed the consideration of the special order which had been suspended, it being the ordinance in relation to slavery and the abolition thereof."

On motion of Mr. Elmore it was postponed until 11 o'clock A. M. to-morrow, and made the special order for that hour.

The President laid before the Convention the following statement from the Secretary of State:

September 18, 1865.

Mr. President—In response to a resolution adopted by the Convention on the 16th inst., requesting me to transmit a tabular statement of the number of votes cast in the recent election for delegates to the Convention, and also to transmit to the same body a tabular statement of the number of persons who have been returned to the office as having taken the registration oath, I have the honor to report that the Sheriffs of the various counties have only in part (as the tabular statement annexed, and marked, will show) made returns to this office.

To the second proposition of the resolution, the tabular statement marked "B" will give the desired information.

Respectfully,

Signed, ALBERT ELMORE,
Secretary of State.

Mr. Dox moved to lay the documents upon the table and print 100 copies of tabular statement "B," which motion was adopted.

On motion, the call of the counties was suspended.

The Convention resumed the consideration of the report from the second special committee which was pending at adjournment on yesterday, it being upon the ordinance to ratify certain laws of the State since January the 11th, 1861.

On motion of Mr. Webb the Convention adjourned until 10 o'clock to-morrow morning.

WEDNESDAY, September 20, 1865.

The Convention met pursuant to adjournment.

Prayer by the Rev. J. B. Taylor.

The journal of yesterday was read and approved.

Upon a call of the counties, the following ordinances and resolutions were introduced:

By Mr. Crenshaw, an ordinance to amend section 8th and 14th of article 3 of the Constitution.

By Mr. Morse, an ordinance to amend section 24 of article 4 of the Constitution of 1819.

Also an ordinance to amend section 11 of article 5.

By Mr. Cumming, an ordinance to amend article 3 of the Constitution of 1819, which were severally read and referred to the Committee on Constitutional Amendments.

By Mr. Ashley, A resolution as follows:

Resolved, That the Judiciary Committee be instructed to inquire into the expediency of adopting more stringent regulations upon the subject of vagrancy in this State. The resolution was adoped.

By Mr. Tompkins, in relation to the election of Circuit and Probate Judges in this State:

Mr. Stansel moved to amend by way of Substitute, whith an ordinance authorizing the election of Judiciary officers in this State:

On motion of Mr. Stansel, both ordinances were referred to the 2d special Committee.

By Mr. Webb, a resolution as follows, which was adopted:

Resolved, That his excellency, Lewis E. Parsons, Provisional Governor of Alabama, in view of the lawlessness and violence that prevail in many counties in this State, be respectfully requested to organize and call out one or more companies of militia in each county as soon as practicable, to aid in repressing disorder and preserving the public peace, and to this end this Convention hereby authorize and empower the Provisional Governor to adopt such measures as he may think proper.

By Mr. Irvine, an ordinance conferring additional police powers on the Mayors of the towns in Madison county, Athens, in Limestone county, and Florence, in Lauderdale county.

By Mr. Elmore, an ordinance in relation to State and county officers:

Also an ordinance relating to free colored mariners, which were severally read and referred to the Judiciary Committee.

By Mr. McClellan, an ordinance in relation to voters in the

State of Alabama, which was referred to Committee on Elections.

Mr. Patton moved to reconsider the vote, by which the Convention on yesterday adopted an ordinance to prescribe the time, place and manner of holding an election for Governor, members of the General Assembly, and all county officers elected by the people, (except Judges of Probate) and Representatives to Congress.

The consideration of the motion was postponed.

The Convention then proceeded to the consideration of the report from the Standing Committee, in relation to ratifying certain acts of the Legislature, &c., which was pending at adjournment on yesterday, pending discussion of which, the hour of 11 o'clock having arrived, the President announced the special order for that hour, being the ordinance in relation to the institution of slavery and the abolition thereof.

Pending the discusion, on motion of Mr. Sheets, the Convention adjourned till to-morrow morning, 10 o'clock, A. M.

THURSDAY, September 21, 1865.

The Convention met pursuant to adjournment.

Prayer by the Rev. Mr. Bruce, a delegate from the county of Jackson.

The Journal of yesterday was read and approved.

Upon a call of the counties, the following ordinances, resolutions, &c., were introduced :

By Mr. Robinson, an ordinance to amend section 12, article 3 of the Constitution of the State of Alabama :

By Mr. Wilson, of Fayette, an ordinance declaring the mode and manner by which a Convention of the State may be called.

Mr. Wilson, of Fayette, and Mr. Potter, each presented accounts in favor of certain parties, which were referred to the Commitee on Accounts and Claims.

By Mr. Forwood, the following resolution, which under the rule, lies ovor one day :

Resolved, That from and after the adoption of this resolution no new business shall be introduced, except by consent of two-thirds of the delegates present.

By Mr. Sanders, the following resolution :

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of so amending the Constitution of Alabama as to transfer the election of Judges of the superior and chancery courts from the people to the Legislature, to hold for life or good behaviour.

On motion of Mr. Sheets, the resolution was laid on the table.

By Mr. Cumming. An ordinance to amend article 1st of the Constitution of 1819.

By Mr. Greathouse, the following resolution, which was adopted:

Resolved, That the Judiciary Committee be instructed to inquire into the expediency and necessity of passing an ordinance providing for legalizing marriages between the freed negroes, prohibiting them from living together in adultery; requiring those who recognize the relation of husband and wife, having children, to live together and to take charge of and maintain all their minor children who are not able to earn a support, and also to inquire into the necessity of making such humane provisions for the support of old and infirm free negroes, and of such young and helpless children as are destitute and unable to procure a support, and that said committee report by bill or otherwise.

By Mr. Boone, an ordinance in relation to the elective franchise of foreign emigrants to the State of Alabama. The ordinance was read and referred to the Judiciary Committee.

Mr. Cooper, of Cherokee, offered the following resolution, which was adopted.

Resolved, That the Secretary of the Convention be and he is hereby authorized to employ such additional clerical force as may be necessary for a proper dispatch of the business before the Convention.

A message was received from the Provisional Governor through Mr. J. B. Taylor, as follows:

EXECUTIVE DEPARTMENT, September 21, 1865.

Gentlemen of the Convention.—In response to the resolution recently adopted by you, I have the honor to invite your attention to the following subject which seems to require immediate action.

1st. It is of the utmost importance that the high degree of credit which our State has enjoyed in all money markets should be preserved untarnished.

The interest which becomes due and payable on our old bond debt on the 1st day of January and July last, amounting to about 63,000, is unprovided for.

I learn that preparations were in progress to meet it, but they were defeated by the rapid events which attended the closing scenes of the war. The condition of the State Treas-

ury will appear from the statement of the Treasurer which is herewith submitted for your information. From it you will discover there is but a small amount of available means on hand.

I have re-appointed John Whiting, Esq., to the office of Commissioner and Receiver, and he has given bond as required by law, and entered on the discharge of his duties. He is now in one of the eastern cities, and advises me by telegraph that he has accomplished, in part, the object of his mission, viz: to raise the funds necessary to meet the present wants of the State.

I recommend that the Convention authorize and make provision for the prompt payment of the unpaid interest on said bonds, and, also, that which will become due on the 1st of January next. If this be done now, another failure to meet the interest at maturity can be avoided.

2d. When the war closed the State was furnishing meal and salt to 38,772 destitute families, the individual members of which numbered in the aggregate 139,042. You can readily ascertain from the several delegates composing your body, whether the number is likely to be smaller or greater, or about the same. It is a matter of vital importance to those women and children that their real and imperative wants should be accurately known and provided for at the earliest moment. Winter will soon be upon them, when there is neither corn in the crib nor meat in the smokehouse; its chilling blasts possess redoubled power. Your prompt action is earnestly invoked in their behalf.

Upon representation made by several citizens of Cherokee, I made application to the Government of the United States in behalf of the destitute families in that county, and forty thousand rations were placed at my disposal for their benefit, which are now being sent forward for distribution, and I have appointed Mr. L. N. Echols special agent, under the advice of the delegation from that county.

3d. The accompanying communication from the Hon. W. H. Seward, Secretary of the United States, in relation to Asiatic Cholera is submitted for your consideration. I have prepared a copy thereof to be transmitted to the municipal authorities of the city of Mobile.

4th. The Warden of the Penitentiary has made a report in relation to the institution, which is herewith laid before you. There are no convicts in confinement there, all of them having been released during the last spring months. It will also be

seen that immediate repairs are necessary to make it secure as a prison. When the fall courts are over there will be use for it, as I am informed.

The cost incurred for printing blanks for administering the oath of amnesty as directed by the President, when those furnished by the United States authorities should be provided for by the State. By the laws of the United States, no United States officer is allowed to have blanks printed at the Government's expense, but must get them from Washington, this could not be done in time to enable our fellow citizens to vote.

Signed, LEWIS E. PARSONS,
Provisional Governor of Alabama.

On motion of Mr. Rather, 1000 copies of the message were ordered to be printed, and the message and accompanying documents were referred to the Committee on Ways and Means.

The Convention proceeded to the consideration of the report of the Second Special Committee which was pending at adjournment on the 18th inst., the question pending being upon the adoption of the substitute reported by the Committee, it being an ordinance ratifying certain laws of the State passed since the 11th day of January, 1861.

Mr. Webb offered the following amendment, to come in after the word "State" in the 12th line: "and all laws which authorize the payment of all debts to the State for moneys loaned to individuals or corporations in Confederate money or bonds."

The hour of 11 o'clock having arrived, the President announced the special order for that hour, it being the "ordinance in relation to slavery and the abolition thereof."

Mr. Dox moved to postpone its further consideration until to-morrow at 11 o'clock A. M., which was carried.

Mr. Crenshaw moved to suspend consideration of all special orders until the report pending was disposed of, and, also, to allow the committee on Congressional Districts and Representation to make a report, which motion was carried.

The Convention then resumed the consideration of the pending report, the question being upon the adoption of the amendment offered by Mr. Webb.

Mr. Sheets offered, by way of amendment to Mr. Webb's amendment, the following: And excepting any law or laws authorizing executors, administrators, trustees and guardians to invest funds in their hands belonging to the estates of deceased persons to minors or to other persons in aid, directly

or indirectly, of the rebellion, or of the late Confederate States, so-called.

Mr. Ashley moved to lay the amendment of Mr. Sheets on the table, which was carried—yeas 51, nays 44.

Those who voted in the affirmative were:

Messrs. Ashley, Bailey, Beauchamp, Beeson, Bond, Boon, Clements, Coleman, of Choctaw, Coleman, of Washington, Cooper, of Wilcox, Crawford, of Coosa, Crawford, of Macon, Crenshaw, Cumming, Cunningham, Elmore, Fair, Foster, of Calhoun, Foster, of Tuscaloosa, Forwood, Freeman, of Lowndes, Freeman, of Pike, Gage, Glenn, Greathouse, Hastie, Henry, of Pickens, Howard, Jeffries, Jones, of Marengo, Lane, Lawrence, Lee, Leeper, Locke, Mardis, McCauley, McCann, McGuire, McKenzie, Moragne, Mudd, Overall, Owens, Potter, Robinson, Thrasher, Ware, Webb, White, Winston, of Sumter—51.

Those who voted in the negative were Messrs. President, Bruce, Cabot, Clark, Collins, Coman, Cooper, of Cherokee, Deal, Drake, Davis, Dox, Edwards, Forrester, Gillespie, Griffin, Haley, Henry, of Marshall, Hooper, Hunter, Irvine, Jones, of Fayette, Langdon, Long, Matthews, of Dale, Matthews, of Dallas, McClellan, Moore, of Coffee, Moore, of Franklin, Morse, Martin, Padgett, Rather, Sanders, Sandford. Sheets, Smith, Speake, Tompkins, Towles, Wilson, of Fayette, Winston, of DeKalb, Wood—44

Mr. Cooper moved to recommit the substitute and amendment to the Judiciary Committee.

On motion of Mr. Mudd, the motion was laid on the table.

Mr. Cooper, of Cherokee, moved to amend the amendment under consideration, as follows: add the words "unless the contracts have been executed."

On motion of Mr. Webb, it was laid on the table.

Mr. Webb's amendment was then adopted.

Mr. Hooper moved to amend by striking out all exceptions from the ordinance.

The motion was lost.

Mr. Bond moved to amend as follows, at the end of the ordinance: "and shall not be calculated as part of the time limited for redemption of land sold for debt; and that in redeeming land, parties shall be liable in coin for the value of the currency paid for the land at the time of the sale, and the interest and cost due thereon by law."

The amendment was lost.

Mr. Cumming moved to amend as follows, by adding to 1st

section: Provided, That all marriages which have been entered into in this State since the 11th day of January, 1861, whether with or without a license from a Probate Judge, be, and they are hereby, declared valid and binding.

The President decided that it was not in order to offer said amendment as a proposition, the same in substance having been already repeated by the Convention.

The ordinance was then adopted—yeas, 46; nays, 27.

Those who voted in the affirmative, were Messrs. President, Ashley, Baily, Beauchamp, Beeson, Bond, Bruce, Cabot, Clements, Cooper of Wilcox, Crawford of Coosa, Crawford of Macon, Crenshaw, Cumming, Cunningham, Elmore, Fair, Foster of Calhoun, Foster of Tuscaloosa, Forwood, Freeman of Lowndes, Freeman of Pike, Gage, Gardner, Glenn, Hastie, Henry of Mobile, Henry of Pickens, Hooper, Howard, Hunter, Irvine, Jeffries, Jones of Marengo, Lane, Langdon, Lawrence, Lee, Leeper, Locke, Mardis, Matthews of Dallas, McCauley, McCann, McClellan, McGuire, McKenzie, Moragne, Moore of Coffee, Mudd, Overall, Owens, Padgett, Patton, Potter, Robinson, Rather, Sanders, Sanford, Sheffield, Stansel, Ware, Webb, White, Wilson of Coosa, Winston of Sumpter, and Moore.

Those who voted in the negative, were Messrs. Boone, Clarke, Coleman of Choctaw, Collins, Coman, Deal, Drake, Davis, Dox, Edwards, Forester, Gillespie, Greathouse, Griffin, Haley, Long, Matthews of Dale, Moore of Franklin, Morse, Morton, Sheets, Smith, Speake, Tompkins, Towles, Wilson of Fayette, Winston of DeKalb.

On motion of Mr. Speake, the Convention adjourned until to-morrow morning 10 o'clock.

FRIDAY, September 22, 1865.

The Convention met pursuant to adjournment.

Prayer by the Rev. Mr. Potter, of Cherokee.

The journal of yesterday was read and approved.

Upon a call of the counties, the following ordinances and resolutions were introduced:

By Mr. Mudd, the following resolution, which was adopted:

Whereas, The Legislature of Alabama has, since the 11th day of January, 1861, passed the following articles, creating offenses punishable by indictment to-wit:

To suppress monopolies, approved Nov. 11th, 1861;

An act prohibiting buying under false pretences, approved Nov 11th, 1861;

An act to prevent extortion, approved Dec. 9th, 1862;

An act to regulate impressments, approved Dec. 9th, 1862;

An act to prevent the circulation of change bills, approved Dec. 9th, 1862;

An act to prevent false representations as to Government agencies, approved Nov. 8th, 1862;

An act to prevent distillation of peas, potatoes, sugar and molasses, approved August 29th, 1863;

Acts to aid the Confederate Government in arresting deserters, approved August 29th, 1863, and October 4th, 1864;

An act to prevent gaming in this State, approved December 9th, 1863;

An act to punish certain offences therein named, approved Oct. 7th, 1864;

An act to regulate the distillation of grain, approved Dec. 16th, 1864;

Be it, therefore, resolved, That the Judiciary Committee be instructed to inquire into the expediency of repealing any or all of said acts, and report by bill or otherwise.

By *Mr.* Griffin, an ordinance to provide for establishing a new county in this State, which was, on motion, referred to Committee on Propositions and Grievances.

By *Mr.* Sheets, an ordinance to provide for certain elections, which was referred to the Committee on the Judiciary.

*Mr.* Forwood moved to take up the resolution offered yesterday in relation to the introduction of new business, which motion was carried, and the resolution was adopted.

*Mr.* Henry of *Marshall*, from the Committee on Enrolled Ordinances and Resolutions, reported as correctly enrolled the resolution in relation to calling out the militia in the several counties of the State.

*Mr.* Overall, from a Special Committee, to which was referred an ordinance to legalize decrees of divorce granted by the several Chancery Courts of the State since the 11th day of January, 1861, made a favorable report thereon, which was concurred in. The ordinance was then adopted.

*Mr.* Crenshaw, from the 2d Special Committee, to which was referred an ordinance in relation to parole testimony, also an "ordinance authorizing the election of Judicial officers in this State," also an ordinance in relation to the election of Probate and Circuit Court Judges in this State; reported that the Committe had instructed him to report the same back to the Convention, with a request that they be referred to the Judiciary Committee.

The report was concurred in.

*Mr.* Crenshaw, from the same Committee, reported adversely to "an ordinance re-appointing the officers, civil and judicial, of this State."

The report was concurred in.

*Mr.* Stansel asked leave to withdraw the ordinance.

*Mr.* Jeffries, from a select committee, made the following report:

The special committee, to whom was referred the message of the Governor on the report of B. M. Woolsey, State Salt Commissioner, beg leave to report that they recommend that the report of the said Commissioner, cash accounts, vouchers and money therewith, be referred to the next Legislature, and that as the property in his possession at the lower salt works is liable to waste, therefore,

Resolved, That he be, and is hereby authorized to sell the same at public or private sale, as in his judgment he may think best; and that all the claims of the State for salt due the State be collected or commuted by him on the basis of the present value of salt, and that he report to the next session of the Legislature of Alabama.

The report was concurred in.

By *Mr.* Webb, the following report:

The Committee on Constitutional Amendments, to which was referred a resolution instructing them to inquire into the expediency of amending article 1, section 1, of the declaration of rights of the State Constitution, beg leave to report, that they have considered the same, and instructed me to report: An ordinance to amend section 1, of article 1, of the Constitution.

The report was concurred in and the ordinance was adopted.

*Mr.* Webb, from the same committee reported a substitute for various ordinances on the subject, with the following title: An ordinance to amend section 15, article 6, of the Constitution.

*Mr.* Rather moved to amend the substitute by striking out the word "seven," in the 8th line, and inserting the word "six."

Pending the consideration of the special order for that hour, it being an ordinance in relation to the prohibition of slavery and the abolition thereof, the question pending being on the adoption of the substitute proposed by *Mr.* White to the ordinance reported by the Committee, which was put and lost—yeas, 17; nays, 79.

Yeas, *Messrs.* Ashley, Coleman of Choctaw, Coleman of Washington, Cumming, Forwood, Griffin, Hastie, Jones of *Marengo*, *McClellan*, *McKenzie*, *Moore* of Coffee, *Morse*, Owens, Robinson, Towles, Ware, White—17.

Nays, Messrs. President, Bailey, Beauchamp, Beeson, Bond, Boone, Bruce, Clark, Clements, Collins, Coman, Cooper of Cherokee, Cooper of Wilcox, Crawford of Coosa, Crawford of Macon, Crenshaw, Cunningham, Deal, Drake, Davis, Dox, Edwards, Elmore, Fair, Foster, of Calhoun, Foster of Tuscaloosa, Forrester, Freeman of Lowndes, Freeman of Pike, Gage, Gardner, Gillespie, Glenn, Greathouse, Haley, Henry of Marshall, Henry of Pickens, Hooper, Howard, Hunter, Irvine, Jeffries, Jones of Fayette, Lane, Langdon, Lawrence, Lee, Leeper, Locke, Long, Mardis, Matthews of Dale, McCauley, McCann, McGuire, Moore of Franklin, Moragne, Morton, Mudd, Overall, Padgett, Patton, Potter, Rather, Sanders, Sanford, Sheffield, Sheets, Smith, Speake, Stansel, Tompkins, Thrasher, Webb, Wilson of Coosa, Wilson of Fayette, Winston of DeKalb, Winston of Sumpter, Wood—79.

The question recurred on the adoption of the substitute reported by the Committee.

Mr. Lane moved to amend the substitute as follows:

Strike out all in the first paragraph after the word "assembled," in the second line and insert the following, in lieu thereof: "That as the institution of slavery has been abolished in the State of Alabama by action of the Federal Government, therefore, slavery nor involuntary servitude no longer exist in this State, except for the puuishment of crime, whereof the party shall have been duly convicted."

2d. Strike out all of the third paragraph after the word "Legislature," in the second line thereof, and insert the following, in lieu thereof: "At its next session, and from time to time thereafter, to enact just and equitable laws for the protection and government of the person and property of freedmen, which may be consistent with the interests of the people of the State."

Mr. Clark moved the previous question, and the question being "shall the main question be now put," it was carried, which cut off the amendment of Mr. Lane.

Mr. Sheets moved to reconsider the vote which was just taken, which motion was lost.

The question being on adopting the substitute reported by the committee in lieu of the several ordinances as referred to them, the question was put and carried.

The question was next taken on the final adoption of the ordinance, which was put and carried—yeas 89, nays 3.

Yeas—Messrs. President, Baily, Beauchamp, Beeson, Bond, Bruce, Cabot, Clark, Clements, Coleman, of Choctaw, Cole-

man, of Washington, Collins, Coman, Cooper, of Cherokee, Cooper, of Wilcox, Crenshaw, Cunningham, Davis, Deal, Drake, Dox, Edwards, Elmore, Fair, Foster, of Calhoun, Foster, of Tuscaloosa, Forrester, Forwood, Freeman, of Lowndes, Freeman, of Pike, Gage, Gardner, Gillespie, Gilmer, Greathouse, Griffin, Haley, Hastie, Henry, of Marshall, Henry, of Pickens, Hooper, Howard, Hunter, Irvine, Jeffries, Jones, of Fayette, Jones, of Marengo, Lane, Langdon, Lawrence, Lee, Leeper, Locke, Long, Mardis, Matthews, of Dale, Matthews, of Dallas, McCauly, McCann, MClellan, McGuire, Moore, of Franklin, Moragne, Morse, Morton, Mudd, Overall, Owens, Padgett, Patton, Potter, Robinson, Rather, Sanders, Sanford, Sheffield, Sheets, Smith, Speake, Stansel, Tompkins, Thrasher, Ware, Webb, Wilson, of Coosa, Wilson, of Fayette, Winston, of DeKalb, Winston, of Sumter and Wood—89.

Nays—Messrs. Crawford, of Coosa, Cumming and White —3.

Mr. Henry, from the Committee on Enrolled Ordinances, reports the following as correctly enrolled: An ordinance ratifying certain laws of the State of Alabama passed since 11th January, 1861.

SATURDAY, September 23, 1865.

The Convention met pursuant to adjournment.

Prayer by the Rev. Mr. Greathouse, of Tallapoosa.

The journal of yesterday was read and approved.

On motion of Mr. Robinson the Convention reconsidered the vote of yesterday, and adopting the resolution of Mr. Forwood in relation to the introduction of new business.

On motion of Mr. White, the resolution was laid on the table.

Upon a call of the counties, the following ordinances were introduced:

By Mr. White, an ordinance to confer and define power of legislation over freedmen in the State of Alabama, which was referred to 1st Special Committee; also an ordinance conferring upon the Legislature the power and making it their duty to provide for widows and children of deceased soldiers, which was referred to the committee on Ways and Means.

On motion of Mr. Mudd, the Convention proceeded to consider the ordinance to amend section 12 of the Declaration of Rights which was postponed on the 18th inst. The ordinance was adopted.

The Convention proceeded to consider the report of the

committee pending on yesterday upon the ordinance to amend section 16, article 6 of the Constitution.

The question pending being on the motion of Mr. Rather to strike out "seven" where it occurs and insert "six," the amendment was adopted.

Mr. Crenshaw moved to amend as follows: In the 9th line after the word "miles" insert the following: "nor shall any existing county be reduced to a less extent," which was adopted.

Mr. Rather moved to strike out the last paragraph and insert the following: "And each new county shall be entitled to separate representation," which was lost.

Mr. Foster, of Calhoun, moved to strike out the last paragraph and insert as follows: "No new county shall be formed unless it contains a population equal to one hundredth part of the population of the State," which was lost.

Mr. President announced that the hour of 11 o'clock had arrived, and that the next business in order was the several special orders.

On motion of Mr. Cooper, of Cherokee, the consideration of the special orders were suspended to dispose of the ordinance before the Convention and to allow the chairman of the committee on districting the State into congressional districts to report.

Mr. Griffin moved to amend the ordinance by adding thereto the following: Unless specially provided for the use of this Convention at its present session, which was lost.

Mr. Clements moved to lay the ordinance on the table, which was lost—yeas, 28; nays, 69.

Yeas—Messrs. Baily, Beauchamp, Bond, Clements, Coleman, of Choctaw, Coleman, of Washington, Freeman, of Lowndes, Freeman, of Pike, Gage, Gardner, Glenn, Haley, Hastie, Henry, of Marshall, Henry, of Pickens, Howard, Jones, of Fayette, Lee, Locke, McKenzie, Morse, Moore, of Franklin, Morton, Overall, Stansel, Tompkins, Webb, White, Wilson, of Fayette—28.

Nays—Messrs. President, Ashley, Beeson, Boone, Bruce, Cabot, Clark, Collins, Coman, Cooper, of Cherokee Cooper, of Wilcox, Crawford, of Coosa, Crawford, of Macon, Crenshaw, Cumming, Cunningham, Deal, Drake, Davis, Dox, Edwards, Elmore, Foster, of Calhoun, Foster, of Tuscaloosa, Forrester, Forwood, Freeman, of Pike, Gillespie, Greathouse Griffin, Hooper, Hunter, Irvine, Jeffries, Jones, of Marengo' Lane, Langdon, Lawrence, Leeper, Long, Mardis, Matthews,

of Dale, Matthews, of Dallas, McAuley, McCann, McClellan, McGuire, Moore, of Coffee, Moragne Mudd, Owens, Padgett, Patton, Potter, Robinson, Rather, Sanders, Sanford, Sheets, Sheffield, Smith, Speake, Towles, Thrasher, Ware, Wilson, of Coosa, Winston, of DeKalb and Wood—69.

*Mr.* Coleman, of Choctaw, moved to recommit the ordinance, which was lost.

Mr. McKenzie moved to amend by striking out the last paragraph and inserting the following: "And no new county shall be formed not containing a sufficient number of inhabitants to entitle it to representation, nor unless the old counties from which the new one is formed are left with the requisite number entitling them to representation.

Mr. Crawford, of Coosa, moved to lay the amennment on the table, which was lost—yeas, 24; nays, 70.

Yeas *Messrs.* Cabot, Clark, Coman, Cooper, of Cherokee, Cooper, of Wilcox, Crawford, of Coosa, Crawford, of Macon, Cunningham, Drake, Forrester, Griffin, Hooper, Hunter, Long, *Mardis*, *McGuire*, Rather, Speake, Wood, Ware, White, Wilson of Coosa, Winston, of DeKalb—24.

Nays—Messrs President, Ashley, Bailey, Beauchamp, Beeson, Bond, Boone, Bruce, Clements, Coleman, of Choctaw, Coleman, of Choctaw, Crenshaw, Cumming, Deal, Davis, Dox, Edwards, Elmore, Fair, Foster of Calhoun, Foster of Tuscaloosa, Forwood, Freeman of Lowndes, Freeman Pike, Gage, Gardner, Gillespie, Glenn, Haley, Hastie, Henry, of Mobile, Henry, of Pickens, Howard, Jeffries, Jones of Marengo, Jones, of Fayette, Lane, Langdon, Lawrence, Lee, Locke, Matthews, of Dale, Matthews of Dallas, McCauley, McCann, McClellan, McKenzie, Moore of Franklin, Moragne, *Morse*, Mudd, Overall, Owens, Padgett, Patton, Potter, Robinson, Sanders, Sanford, Sheets, Sheffield, Smith, Stansel, Tompkins, Thrasher, Webb, Wilson of Fayette, Winston of Sumpter and Wood—70.

Mr. Cooper, of Cherokee moved to strike out of the amendment the following words: "And no new county shall be formed not containing a sufficient number of inhabitants to entitle it to separate represation," which was lost—yeas, 24; nays, 52.

Yeas—*Messrs.* Beeson, Bruce, Cabot, Coman, Cooper, of Cherokee, Crawford, of Coosa, Crawford, of Macon, Cunningham, Davis, Drake, Edwards, Forrester, Gillespie, Greathouse, Griffin, Hooper, Hunter, Lawrence, Leeper, Long, Mardis, McCauley, McCann, McGuire, Padgett, Patton, Potter, Rather, Sanders, Sandford, Sheets, Towles, Thrasher, Ware, White, Wilson, of Coosa and Winston, of DeKalb—37.

Nays—Messrs. President, Ashley, Bailey, Beauchamp, Bond, Clements, Coleman of Choctaw, Coleman, of Washington, Cooper, of Wilcox, Crenshaw, Cumming, Dox, Elmore, Fair, Foster, of Calhoun, Foster, of Tuscaloosa, Forwood, Freeman, of Lowndes, Freeman, of Pike, Gage, Gardner, Glenn, Haley, Hastie, Henry, of Marshall, Henry, of Pickens, Howard, Jeffries, Jones, of Fayette, Jones, of Marengo, Lane, Langdon, Lee, Locke, Matthews, of Dale, Matthews, of Dallas, McClellan *Mc*Kenzie, *Mo*ore, of Coffee, Moore, of Franklin, Moragne, Mudd, Overall, Owens, Robinson, Sheffield, Smith, Stansel Tompkins, Webb, Wilson, of Fayette and Winston, of Sumter—52.

*Mr.* Cooper, of Cherokee, raised to a point of order upon the amendments of *Mr.* McKenzie, that inasmuch as the Convention had refused to strike out and insert in the ordinance a proposition, the same in substance as embraced in the first paragraph of the amendment, that that portion was out of order.

*Mr.* President decided that the proposition of the amendment was not the same as that reported by the Convention, therefore it was in order.

Mr. Cooper, of Cherokee, appealed from the decision of the chair.

The question being shall the decision of the chair be the decision of the Convention, it was decided in the affirmative.

Mr. Langdon moved to lay the amendment on the table, which was carried.

Mr. Patton, from the Select Committee, raised to divide the State into Congressional Districts, reported an ordinance to divide the State into six Congressional Districts.

Mr. Jones, of *Ma*rengo, moved to print the ordiance, and that it be postponed and made the special order for 11 o'clock Monday next, which was lost.

Mr. Morse moved to amend by striking out "Marengo" in the 1st District, and inserting "Butler;" by striking out "Butler" in the 2d District and inserting "Autauga;" by striking out "Autauga" in the 4th District and inserting "Marengo," which was adopted.

Mr. Webb moved to amend by additional section as section 3, which was adopted and the ordinance as amended was adopted.

Mr. Cooper, of Wilcox, offered the following resolution:

Resolved, That the Committe to arrange and digest the State Constitution of 1819, or from the so-called Constitution

of 1861; such parts as they may deem promotive of the best interest of the State, subject, however, to the ratification of this Convention.

On motion, by *Mr. Moragne*, it was laid on the table.

Mr. Moore, of Franklin, moved to reconsider the vote laying on the table the ordinance to amend section 16, article 6, of the Constitution.

The question being on the adoption of the amendment offered by Mr. McKenzie the, vote was reconsidered—yeas 53 nays 37.

Yeas—Messrs. Ashley Beeson, Boone, Bruce, Cabot, Cooper, of Cherokee, Crawford, of Coosa, Crawford, of Macon, Crenshaw, Cumming, Cunningham, Drake, Davis, Edwards, Foster, of Calhoun, Foster. of Tuscaloosa, Forrester, Forwood, Gillespie, Greathouse, Griffin, Hooper, Hunter, Lane, Lawrence, Leeper, Locke, Long, Mardis, McCauley, McCann, McClellan, McGuire, Moore, of Coffee, Morange, Morton, Owens, Padgett, Patton, Potter, Rather, Sanders, Sanford, Sheets, Sheffield, Speake, Towles, Thrasher, Ware, White, Wilson, of Coosa, Winston. of DeKalb and Wood,—53.

Nays—Messrs. President, Bailey, Beauchamp, Bond, Clark, Coleman, of Choctaw, Coleman, of Washington, Clements, Coman, Cooper, of Wilcox, Deal, Dox, Elmore, Fair, Gage, Gardner, Glenn, Haley, Hastie, Henry, of Marshall, Henry, of Pickens, Howard, Jeffries, Jones, of Fayette, Jones, of Marengo, Langdon, Lee, Matthews, of Dale, Matthews, of Dallas, McKenzie, Moore, of Franklin, Morse, Overall, Robinson, Stansel, Webb and Winston, of Sumter—37.

Mr. Cooper, of Cherokee, moved the previous question, which was carried.

Mr. McGuire moved to reconsider the vote sustaining the previous question, which was carried.

The question being on the adoption of the amendment offered by Mr. McKenzie, it was adopted.

Mr. Cooper, of Cherokee, moved to suspend the further consideration of the ordinance until Tuesday next.

Mr. Hastie moved to postpone until Thursday next, which being the longest time, and under the rule of the Convention it having the precedence, was first put and lost.

Mr. Griffin moved to adjourn until Monday morning 10 o'clock, which was lost.

The ordinance was adopted—yeas, 65 ; nays, 22.

Yeas—Messrs. President, Ashley, Beeson, Boone, Bruce, Cabot, Coman, Cooper, of Cherokee, Cooper, of Wilcox, Crawford, of Coosa, Crawford, of Macon, Crenshaw, Cum-

ming, Cunningham, Deal, Drake, Davis, Edwards, Foster, of Calhoun, Foster, of Tuscaloosa, Forrester, Forwood, Freeman, of Pike, Gage, Gardner, Gillespie, Greathouse, Griffin, Haley, Henry, of Marshall, Hooper, Hunter, Jones, of Marengo, Lane, Lawrence, Leeper, Locke, Long, Mardis, Matthews, of Dallas, McCauley, McCann, McClellan, McGuire, Moore, of Coffee, Moragne, Owens, Padgett, Patton, Potter, Robinson, Rather, Sanders, Sandford, Sheets, Sheffield, Smith, Speake, Towles, Thrasher, Ware, White, Wilson, of Coosa and Wood —65.

Nays—Messers. Bailey, Beauchamp, Bond, Clements, Coleman, of Choctaw, Coleman, of Washington, Elmore, Fair, Glenn, Hastie, Henry, of Pickens Howard, Jones, of Fayette, Langdon, Lee, McKenzie, Moore, of Franklin, Morse, Overall, Stansel, Webb, Winston, of Sumter—22.

Mr. Henry, from Committee on Enrolled Ordinances, reported the following as correctly enrolled:

An ordinance in relation to the instution of slavery and the abolition thereof.

An ordinance legalizing decrees of Divorces rendered by the chancery courts of this State since the 11th day of January, 1861.

On motion by Mr. Cooper, of Cherokee, the Convention adjourned until Monday morning 10 o'clock.

MONDAY, September 25, 1865.

The Convention met pursuant to adjournment.

Prayer by the Rev. Mr. McTyeire.

The Journal of yesterday was read and approved.

Upon a call of the counties, the following ordinances and resolutions were introduced:

By Mr. Towles, an ordinance to ratify marriages between freedmen and freedwomen.

By Mr. Morse, an ordinance to provide for the election of Probate Judges, which were severally read and referred to the Judiciary Committee.

By Mr. Jeffries, the following resolution:

Resolved, That the Committee on the Judiciary be instructed to inquire into the feasibility of devising a plan to regulate labor and to report at the earliest time practicable.

By Mr. Potter, a resolution as follows:

Resolved, That the Committee of State be instructed to furnish the Convention with a tabular statement showing the amount of State funds made and disposed of since Janu-

ary, 11th, 1861; and also showing what use and disposition was made of said bonds, the proceeds thereof, which resolutions were severally read and adopted.

By Mr. Williams, the following resolution, which was referred to the Committee on Federal Relations:

Be it resolved by the people of Alabama in Convention assembled, That they do hereby tender their thanks to *M*ajor General Thomas, commanding the *D*epartment of Tennessee and North Alabama; to Brevet Major General Grainger, late commander of the Northern District of Alabama; to *C*aptain Schmidt, Provost Marshall, Stevenson, Ala.; to *M*ajor A. C. Bryant, General Superintendent of rail road transportation at Stevenson. as well as to all other officers of the United States, that have come forward and given material aid and facility in qualifying voters so as to restore to the people of Alabama civil law and order.

By *M*r. Patton, an ordinance to amend sections 25 and 26 of article 3 of the *C*onstitution, which was referred to the *C*ommittee on Constitutional Amendments.

*M*r. Patton moved to take up his motion to reconsider the vote by which the *C*onvention adopted an ordinance to prescribe the times, places and manner of holding an election for Governor, &c., motion carried and the Convention reconsidered the vote.

Mr. Patton moved to amend by strikiug out the words "1st Monday in November," and insert in lieu the "last Monday in October," which was lost—yeas. 53; nays, 57.

Those who voted in the affirmative were—Messrs. Beauchamp, Beeson, *C*abot Cooper, of Cherokee, Cooper, of Wilcox, Crawford, of Coosa, Crawford, of Macon, Cunningham, Elmore, Foster, of *C*alhoun, Freeman, of Pike, Gage, Glenn, Hastie, Henry, of Pickens, Hooper, Howard, Hunter, Irvine, Jeffries, Matthews, of Dallas, McCauley, McCann, McClellan, McKenzie, Morange, Overall, Patton, Sanders, Sheets, Stansel, Webb and Wood—33.

Those who voted in the negative are Messrs. Ashley, Bailey, Bond, Boone, Bruce, Clark, Coleman, of Choctaw, Coleman, of Washington, Crenshaw, Cumming, Deal, Drake, Edwards, Fair, Foster, of Tuscaloosa, Gardner. Gillespie, Greathounse, Haley, Henry, of Marshall, Jones, of Fayette, Jones, of Marengo, Lane, Lee, Leeper, Locke, Long, Mardis, Matthews, of Dale, McGuire, *M*oore, of Coffee, Moore, of Franklin, Morse, Morton, Mudd, Overall, Padgett, Potter, Robinson, Rather, Sanford, Sheffield, Smith, Speake, Tompkins, Towles, Thrash-

er, Ware, White, Wilson, of Coosa, Wilson, of Fayette, Winston, of DeKalb, Winston, of Sumter and Williams—57.

The hour of 10 o'clock having arrived, the Convention proceeded to the consideration of the special orders.

The first in order being the reports of the majority and minority of the 2d Special Committee, reporting ordinances declaring the ordinance of secession null and void.

The first question in order being on the adoption of the ordinance of the minority as a substitute for that reported by the majority, pending the discussion, Mr. White moved to adjourn, which was lost. After further discussion and fifteen minutes having elapsed, the Convention, upon motion of Mr. Hunter, adjourned until 3 o'clock P. M.

## AFTERNOON SESSION.

The Convention met pursuant to adjournment.

The question pending being on the adoption of the ordinance declaring secession null and void, reported by the minority of the committee as a substitute for the ordinance reported by the majority, on motion, by Mr. Ashley, the ordinance was laid on the table.—Yeas, 69; Nays, 21.

Affirmative vote—Messrs. President, Ashley, Bailey, Beauchamp, Bond, Boon, Bruce, Cabot, Clements, Coleman, of Choctaw, Cooper, of Cherokee, Cooper, of Wilcox, Crawford, of Coosa, Crawford, of Macon, Crenshaw, Cumming, Cunningham, Deal, Drake, Dox, Elmore, Fair, Foster, of Calhoun, Foster, of Tuscaloosa, Forwood, Freeman, of Lowndes, Freeman, of Pike, Gage, Gardner, Glenn, Hastie, Henry, of Marshall, Henry, of Pickens, Hooper, Howard, Hunter, Jeffries, Jones, of Marengo, Lane, Langdon, Lawrence, Locke, Matthews, of Dale, *M*atthews, of Dallas, McCauley, McCann, McGuire, *M*cKenzie, Moore, of Coffee, Moragne, Morse, Mudd, Overall, Owens, Padgett, Patton, Potter, Robinson, Rather, Sanders, Sheffield, Stansel, Thrasher, Ware, Webb, White, Wilson, of Coosa, Winston, of Sumter, Wood—69.

Negative vote—Messrs Beeson, Clark, Davis, Edwards, Forrester, Gillespie, Greathouse, Haley, Jones, of Fayette, Leeper, Long, Mardis, Moore, of Franklin, Morton, Sanford, Sheets, Smith, Speake, Tompkins, Towles, and Winston, of of DeKalb—21.

The question being on the adoption of the report made by the majority of the committee, Mr. Clark moved to add the word "unauthorized" in the sixth line after the word "declar-

ed." Mr. Winston, of Sumter, moved to lay the amendment on the table, carried—yeas, 72 ; nays, 20.

Yeas—Messrs. President, Ashley, Bailey, Beauchamp, Bond, Bruce, Boone, Cabot, Clements, Coleman, of Choctaw, Cooper, of Cherokee, Cooper, of Wilcox, Crawford, of Coosa, Crawford, of *M*acon, Crenshaw, Cumming, Cunningham, Drake, Dox, Elmore, Fair, Foster, of *C*alhoun, Foster, of Tuscaloosa, Forwood, Freeman, of Lowndes, Freeman, of Pike, Gage, Gardner, Gillespie, Glenn, Hastie, Henry, of *M*arshall, Henry, of Pickens, Hooper, Howard, Hunter, Jeffries, Jones, of Fayette, Jones of *M*arengo, Lane, Langdon, Lawrence, Locke, *M*atthews, of Dale, Matthews of Dallas, McCauley, *M*cCann, McClellan, McGuire, McKenzie, Moore, of Coffee, Moragne, Morse, *M*udd, Overall, Owens, Padgett, Patton, Potter, Robinson, Rather, Sanders, Sheffield, Stansel, Thrasher, Ware, Webb, White, Wilson, of Coosa, Winston, of Sumter, Williams, Wood—72.

Nays—Messrs. Beeson, Clark, Davis, Edwards, Forrester, Greathouse, Haley, Irvine, Leeper, Long, *M*ardis, *M*oore, of Franklin, Morton, Sanford, Sheets, Smith, Speake, Tompkins, Towles, Winston, of DeKalb—20.

Mr. Moore, of Franklin, offered the following amendment: Add after the word "Amei ica," in the sixth line, the words "is and was unconstitutional."

*Mr.* Winston, of Sumter, moved to lay the amendment on the table, which was carried—Yeas, 59; nays, 34.

Yeas—Messrs. President, Ashley, Baily, Beauchamp, Bond, Boone, Bruce, Cabot, Clements, Cooper, of Wilcox, Crawford, of Coosa, Crawford, of Macon, Crenshaw, Cumming, Cunningham, Drake, Elmore, Fair, Foster, of Calhoun, Foster, of Tuscaloosa, Forwood, Freeman, of Lowndes, Freeman, of Pike, Gage, Gardner, Glenn, Hastie, Henry, of Marshall, Henry, of Pickens, Hooper, Howard, Hunter, Irvine, Jeffries, Jones, of Marengo, Lane, Langdon, Locke, Matthews, of Dale, Matthews, of Dallas, McCann, McGuire, McKenzie, Moore, of Coffee, Moragne, Morse, Overall, Owens, Padgett, Patton, Robinson, Sanders, Stansel, Webb, White, Wilson, of Coosa, Winston, of Sumter, Williams, Wood—59.

Nays—Messrs. Beeson, Coleman, of Choctaw, Cooper, of Cherokee, Davis, Dox, Edwards, Forrester, Gillespie, Greathouse, Haley, Jones, of Fayette, Lawrence, Lee, Leeper, Long, Mardis, McCauly, MClellan, Moore, of Franklin, Morton, Mudd, Potter, Rather, Sanford, Sheets, Sheffield, Smith, Speake, Tompkins, Towles, Thrasher, Ware, Winston, of DeKalb—34.

Mr. Sheets moved to adjourn till 10 o'clock to-morrow morning—lost.

The majority report was then adopted.

The question being on the passage of the ordinance, it was adopted—yeas, 92.

Yeas—Messrs President, Ashley, Bailey, Beauchamp, Beeson, Bond, Boone, Bruce, Cabot, Clark, Clements, Coleman, of Choctaw, Cooper, of Cherokee, Cooper, of Wilcox, Crawford, of Coosa, Crawford, of Macon, Crenshaw, Cumming, Cunningham, Deal, Drake, Davis, Dox, Edwards, Elmore, Fair, Foster, of Calhoun, Foster of Tuscaloosa, Forwood, Freeman, of Lowndes, Freeman of Pike, Gage, Gardner, Gillespie, Glenn, Greathouse, Haley, Hastie, Henry, of Marshall, Henry, of Pickens, Hooper, Hunter, Irvine, Jeffries, Jones of Marengo, Jones, of Fayette, Lane, Langdon, Lawrence, Lee, Leeper, Locke, Long, Mardis, Matthews of Dale, Matthews of Dallas, McCauley, McCann, McClellan, McGuire, McKenzie, Moore of Coffee, Moore of Franklin, Moragne, Morse, Mudd, Overall, Owens, Padgett, Patton, Potter, Robinson, Rather, Sanders, Sanford, Sheets, Sheffield, Smith, Speake, Stansel, Tompkins, Towles, Thrasher, Ware, Webb, White, Wilson, of Coosa, Wilson of Fayette, Winston of DeKalb, Winston of Sumpter, Williams, Wood—92.

Mr. Henry, from the Committee on Enrolled Ordinances, reported the following ordinances and resolutions as correctly enrolled:

Resolution, authorizing B. M. Woolsey, State Salt Commissioner, to sell property belonging to the State.

An ordinance to amend the first section of the declaration of rights of the Constitution of the State of Alabama.

An ordinance to divide the State of Alabama into Congressional Districts.

An ordinance to amend section 16, article 6, of the Constitution.

On motion, the Convention then adjourned till 10 o'clock to-morrow morning.

SEPTEMBER 26, 1865.

The Convention met pursuant to adjournment.

Prayer by the Rev. M. H. Myers of the Hebrew Church of Montgomery.

Upon a call of the counties, the following ordinances and resolutions were introduced:

By Mr. Stansel, an ordinance to define and explain the

effect of the ordinances adopted by this Convention, which was referred to the Committee on the Judiciary.

By Mr. Winston, of Sumter, an ordinance to authorize the Provisonal Governor to discharge the duties as Governor until the instalation of the Governor elected by the people—adopted.

*Mr.* Bruce offered the followiug resolution which was adopted:

Resolved, That it is the sense of this Convention that it is her imperative duty to refuse action on all minor and local legislation, referring them to the Legislature, the legitimate body for their consideration, and that the Convention should proceed to revise, alter and arrange the Constitution of the State, and the ordinances needful to be done and adjourn at the earliest day practicable.

Mr. Winston, of Sumter, from the Committee on Ways and Means, to whom was referred the Governor's message on the subject of interest due and about to become due on the old bonded debt, reported an ordinance to accomplish the end proposed, entitled "an ordinance to provide for paying the interest on the old bonded debt of this State," which was adopted.

Mr. Henry, from the Committee on Enrolled Ordinances, reported the following ordinances as correctly enrolled:

An ordinance to amend section 12 of the Declaration of Rights.

An ordinance declaring the ordinance of secession null aud void.

Mr. Winston, of Sumter, from the Committee on Ways and *Means*, made the following report, which was concurred in:

"The Committee on Ways and *Means* to whom was referred the Governor's message on the subject of 'making provisions for the indigent,' and also an ordinance empowering the legislature to inquire into the condition of the widows and orphans of those who died or were killed in the late war—to provide the means of living, and to the children a common school education,' have had the same under consideration and instructed me to report that the duties proposed properly belong to the Legislature, which is about to assemble, to whom the committee propose to leave the subject. We therefore ask to be discharged from the further consideration of the subject."

J. A. WINSTON, Chairman.

The President laid before the Convention the following

communication from the Comptroller, in response to a resolution adopted by the Convention, on yesterday, which was referred to the Committee on State Debt.

COMPTROLLER'S OFFICE OF ALABAMA,
MONTGOMERY, ALABAMA, September 26, 1865.

To the President of the Convention of the State of Alabama. In compliance with a resolution of the Convention, adopted on yesterday, I have the honor to submit the accompanying report, "showing the amount of State bonds made and disposed of since the 11th of January, 1861, and the disposition made of the proceeds thereof."

The whole amount issued under the act of 29th January, 1861, for military defense was.....$1,759,500 00
And under the act of the 10th Dec, 1861..... 385,000 00

Total,.....$2,144,500 00

This amount was paid into the treasury through the "military department," and is supposed to have been used for military purposes, but of which this office has no means of ascertaining. In addition to this amount there was issued to be used in payment of the Confederate war tax of the State of Alabama bonds to the amount of $1,700,000 00 which may also be considered a war debt, the six per cent. bonds issued amounting to $2,085,000 00, were sold at a premium of from 50 to 100 per cent., and the proceeds used in meeting the demands upon the treasury both civil and military, but principally for the support of the indigent families of soldiers, &c. All of which is respectfully submitted.

M. A. CHISHOLM,
Comptroller.

Mr. Webb, from the Committee on Amendments to the State Constitution, to which was referred an ordinance to amend sections 9 and 10 of article 3 of the Constitution of the State, reported favorably thereon.

The President announced the hour of 11 o'clock and a special order for that hour, which was taken up.

Mr. Cooper, of Cherokee, moved to suspend the special order to proceed with the report, which was lost.

The Convention then proceeded to the consideration of the special order, which was "an ordinance declaring null and void certain ordinances and other proceedings of a convention of the State of Alabama adopted in January and March, 1861. The question being on the adoption of the substitute reported by the committee, it was adopted.

The ordinance was then adopted.

The Convention then proceeded to the consideration of the ordinance that was suspended yesterday, it being an ordinance to prescribe the times, places and manner of holding an election for Governor, &c.

Mr. White moved to amend by an additional section as follows:

Be it further ordained, &c., That the Governor shall nominate, and by and with the advice and consent of the Senate, shall appoint judges of the circuit court, chancellors and judges of the supreme court, who shall hold their office for the term of ten years."

Mr. Thrasher moved to lay the amendment on the table Carried. Yeas, 52; nays, 36.

Yeas—*M*essrs. President, Ashley, Beauchamp, Beeson, Boone, Bruce, Clark, Coleman, of Choctaw, Crenshaw, Deal, Drake, Davis, Dox, Edwards, Foster, of Tuscaloosa, Forrester, Freeman of Pike, Gillespie, Greathouse, Haley, Hooper, Jones of Fayette Lawrence, Leeper, *M*ardis, *M*atthews of Dale, Matthews, of Dallas, McClellan, *Mc*Guire, *M*oore of Franklin, Morse, *M*orton, *M*udd, Owens, Padgett, Patton, Potter, Robinson, Rather, Sanford, Sheets, Sheffield, Smith, Speake, Tompkins, Towles, Thrasher, Ware, Winston of DeKalb, Winston of Sumpter, Williams, Wood—52.

Nays,—Messrs. Bailey, Bond, Cabot, Clements, *C*ooper of Wilcox, *C*rawford of *C*oosa, *C*rawford of *M*acon, Cumming, *C*unningham, Elmore, Foster of *C*alhoun, Forwood, Freeman of Lowndes, Gage, Glenn, Hastie, Henry of *M*arshall, Henry of Pickens, Howard, Hunter, Irvine, Jeffries, Jones, of *M*arengo, Langdon, Locke, Long, *Mc*Cauley, *Mc*Cann, *Mc*Kenzie, *M*oragne, Overall, Sanders, Stansel, Webb, White Wilson of *C*oosa—36.

Mr. Sheets moved to strike out the words "except judges of probate," which was adopted.

*M*r. Fair moved to insert in the first section, after the words "by the peolpe," "and for a judge and clerk of the city courts of Montgomery and Mobile," which was adopted.

Mr. Webb moved to amend by additional section, "Be it further ordained, that the Governor shall nominate, and by and with the advice and consent of the Senate, shall appoint judges of the circuit court, chancellors and judges of the supreme court, who shall hold their offices for the term of six years.

Mr. Greathouse moved to lay the amendment on the table, which was lost—yeas, 46; nays, 46.

Those who voted in the affirmative were *Messrs.* President Ashley, Beeson, Boone, Bruce, Clark, Coleman of Choctaw, Deal, Drake, Davis, Dox, Edwards, Foster, of Tuscaloosa, Forrester, Gardner, Gillespie, Greathouse, Haley, Jones, of Fayette, Leeper, Mardis, Matthews, of Dale, Matthews, of Dallas, *Mc*Clellan, McGuire, Moore, of Franklin, *Mo*rse, *Mo*rton, Mudd, Padgett, Patton, Potter, Rather, Sanford, Sheets, Sheffield, Smith, Speake, Tompkins, Towles, Thrasher, Ware, Winston of DeKalb, Winston of Sumter, Wood—46.

Those who voted in the negative were Bailey, Beauchamp, Bond, Cabot, Clements, Coleman, of Washington, Cooper, of Cherokee, Cooper, of Wilcox, Crawford, of Coosa, Crawford, of Macon, Crenshaw, Cumming, Cunningham, Elmore, Fair, Foster, Calhoun, Forwood, Freeman, of Lowndes, Gage, Glenn, Hastie, Henry, of Marshall, Henry, of Pickens, Howard, Hunter, Irvine, Jeffries, Jones *Ma*rengo, Lane, Langdon, Lawrence, Locke, Long, McCauley, McCann, McKenzie, Moragne, Overall, Owens, Sanders, Stansel, Ware, Webb, White, Wilson, of Coosa and Williams—46.

Mr. Webb accepted as an amendment to his amendment the following: strike out the words "and by and with the advice and consent of the Senate," and insert so as to make it read "subject to confirmation by joint ballot of the two houses of the General Assembly in *C*onvention.

*Mr.* Thrasher moved to amend "by striking out all in relation to appointment by the Governor and confirmation," and insert in lieu "that they shall be elected by the Legislature. The amendment was lost.

On motion of Mr. McKenzie, the Convention adjourned till 3½ o'clock, P. M.

## AFTERNOON SESSION.

The *C*onvention met pursuant to adjournment.

The question pending before the *C*onvention being the amendment offered by Mr. Webb at its adjournment, the consideration was resumed.

Mr. Greathouse moved to lay the amendment on the table. Carried. Yeas, 58; nays, 35.

Affirmative—Messrs. President, Ashley, Beeson, Bruce, *C*abot, Clark, Coleman of Choctaw, Coleman of Washington, Crawford of Macon, *C*renshaw, *C*umming, Deal, Drake, Davis, Dox, Edwards, Elmore, Foster of Tuscaloosa, Forrester, Freeman of Pike, Gardner, Gillespie, Greathouse, Haley, Henry of Marshall, Hooper, Jones of Fayette, Lane, Leeper, Locke,

Mardis, Matthews of Dale, *M*atthews of Dallas, McCann, Mc*C*lellan, McGuire, Moore of Franklin, Morse, *M*orton, Mudd, Padgett, Patton, Potter, Robinson, Rather, Sanders, Sanford, Sheets, Sheffield, Smith, Speake, Tompkins, Towles, Thrasher, Ware, Winston of Sumter, Winston of DeKalb, Wood—58.

Negative—Messrs. Bailey, Beauchamp, Bond, Boone, Clements, Cooper of Cherokee, Cooper of Wilcox, Crawford of Coosa, Cunningham, Fair, Foster of Calhonn, Forwood, Freeman of Lowndes, Gage, Glenn, Hastie, Henry of Pickens, Howard, Hunter, Irvine, Jeffries. Jones of Marengo, Langdon, Lawrence, Lee, Long, Mc*C*auley, McKenzie, Moragne, Overall, Owens, Stansel, Webb, White, Williams—35.

Mr. Cumming offered the following amendment as an additional section:

Be it further ordained, &c., That the Governor shall nominate, and by and with the advice and consent of the Senate, shall appoint chancellors and judges of the supreme court, who shall hold their office for the term of six years, provided no one shall be nominated as chancellor, except in the division in which he resides at the time of his nomination.

Mr. Greathouse moved to lay the amendment on the table. *C*arried. Yeas, 55; nays, 35.

Affirmative—Messrs. President, Beeson, Boone, Bruce, Clark, Coleman of Choctaw, Coleman of Washington, Crawford of Macon, Deal, Drake, Davis, Dox, Edwards, Foster of Tuscaloosa, Forrester, Gardner, Gillespie, Greathouse, Haley, Henry of Marshall, Hooper, Irvine, Jeffries, Jones of Fayette, Lawrence, Lee, Leeper, Mardis, Matthews of Dale, Matthews of Dallas, McCann, Mc*C*lellan, Moore of Franklin, Morse, *M*udd, Morton, Owens, Padgett, Patton, Robinson, Rather, Sanders, Sanford, Sheets, Sheffield, Smith, Speake, Towles, Thrasher, Ware, Webb, Wilson of Coosa, Winston of DeKalb, Williams, Wood—55.

Negative—Messrs. Ashley, Bailey, Beauchamp, Bond, Cabot. Clements, *C*ooper of Cherokee, Cooper of Wilcox, Crawford of Coosa, Crenshaw, Cumming, Cunningham, Fair, Foster of Calhoun, Forwood, Freeman of Pike, Gage, Glenn, Hastie, Henry of Pickens, Howard, Hunter, Jones of Marengo, Lane, Langdon, Locke, Long, Mc*C*auley, McKenzie, *M*oragne, Overall, Potter, Stansel, Tompkins, Wilson of Fayette—35.

*M*r. Sheets offered the following amendment, which was adopted:

"And for the election of one circuit judge in each judicial circuit."

Mr. Hooper offered the following amendment:

"That the officers so elected shall hold their office for the term of years prescribed by law, and until their successors are elected and qualified, and that the day for holding general elections shall be fixed by the General Assembly."

Mr. Moore of Franklin, moved to lay the amendment on the table. Lost.

*Mr. C*oleman moved the previous question, which was sustained. Yeas, 49; nays, 41.

Yeas—Messrs. Ashley, Beeson, Boone, Bruce, *C*lark, *C*oleman of Choctaw, Coleman of Washington, Cooper of Wilcox, Cumming, Deal, Drake, Davis, Edwards, Elmore, Fair, Foster of Calhoun, Forrester, Freeman, of Pike, Gage, Gardner, Gillespie, Glenn, Greathouse, Haley, Hastie, Henry of Marshall, Henry, of Pickens Irvine, Jones, of Fayette, Jones, of Marengo, Long, Mardis, Matthews of Dale, Matthews of Dallas, McClellan *M*cKenzie, Morse, *M*orton, Owens, Robinson, Sheets, Smith, Speake, Tompkins, Towles, Thrasher, Ware, Wilson of Coosa and Wood—49.

Nays—Messrs. President, Bailey, Beauchamp, Bond, Cabot, Clements, *C*ooper of Cherokee, Crawford of *C*oosa, Crawford of Macon, Crenshaw, Cunningham, Foster of Tuscaloosa, Forwood, Hooper, Howard, Hunter, Jeffries, Lane, Langdon, Lawrence, Lee, Locke, McCauley, Mc*C*ann, McGuire, Moore of Franklin, Moragne, Mudd, Overall, Padgett, Patton, Potter, Rather, Sanders, Sanford, Sheffield, Stansel, Webb, White, Winston of DeKalb and Williams—41.

Mr. *M*oore of Coffee, moved an adjournment till 10 o'clock to-morrow morning. Lost.

Mr. Cumming moved to reconsider the vote on the previous question, which was carried.

The question then being on the adoption of Mr. Hooper's amendment, *M*r. Moore of Franklin moved to amend the amendment, which motion was laid on the table.

Mr. Rather moved to amend the amendment by adding an additional section as follows: "And be it further ordained, that the term of the judge of probate shall be for four years."

Mr. Hooper moved to lay the amendment to the amendment on the table, which was carried.

Mr. Edwards moved to adjourn till 10 o'clock to-morrow morning, which was lost.

Mr. Hooper's amendment was then put and adopted.

Mr. *M*atthews of Dallas, moved to insert after the words

"Mobile and Montgomery," in first section, the words "and Selma," which was adopted.

The ordinance as amended was then adopted.

Mr. Mudd moved to reconsider the vote by which the ordinance was adopted, and moved further to lay his motion on the table, which was carried.

On motion of Mr. Speake, the Convention then adjourned till to-morrow morning 10 o'clock.

WEDNESDAY, September 27, 1865.

The Convention met pursuant to adjournment.

Prayer by the Rev. J. B. Taylor.

*Mr.* Cooper of Cherokee moved to take from the table the reports of the majority and minority of the committee upon the memorial of L. *M.* Stiff, which motion was lost.

Upon a call of the counties, the following ordinances and resolutions were introduced.

By Mr. Sandford, an ordinance in relation to the mode of conducting elections, which was read and referred to the Committee on Elections.

By Mr. Wood, the following resolution, which was adopted :

Resolved, That no member of this Convention be allowed to speak more than fifteen minutes at a time on any question pending before this body.

Be it further resolved, That this *C*onvention adjourn on Saturday next at 6 o'clock P. M., subject to the presiding officer's call, and at his pleasure, if he should deem it expedient and necessary.

By *Mr.* Mudd, the following resolution, which was, on motion of Mr. Morse, laid on the table :

Resolved, That a committee of three be appointed by the President of this *C*onvention, whose duty it shall be to prepare and report to the next Legislature such laws and such changes in existing laws as may be deemed necessary and expedient in view of the amendments made to the *C*onstitution of this State by the *C*onvention.

Mr. Elmore presented a memorial from the Board of Trustees of the Alabama Insane Hospital at Tuscaloosa, and also the following resolution, which was adopted :

Resolved by the people of the State of Alabama in Convention assembled, That the Governor of the State be authorized and requested to advance to the Alabama Insane Hospital at Tuscaloosa the necessary amount to sustain and carry on that institution, until the meeting of the next Legislature,

and that the Legislature provide for the reasonable wants of that hospital out of the first moneys received into the treasury.

By Mr. Elmore, an ordinance in relation to the militia of the State of Alabama The ordinance was adopted.

Mr. Overall offered the following resolution:

Resolved by the people of Alabama in Convention assembled, That the printers of the Convention, as soon as practicable, after adjournment thereof, publish one thousand copies of the ordinances and constitution adopted by this Convention in pamplet form, and that five copies of the same be sent to each member of this Convention.

Mr. Hastie moved to amend by adding, "and that one copy be placed on the desk of each Senator and Representative at the meeting of the State Legislature," which was adopted.

The resolution as amended was adopted.

Mr. Rather introduced an ordinance for the election of probate judges and justices of the peace and constables for Morgan and Marshall counties.

The President ruled the ordinance out of order, as the subject had already been acted upon by the Convention.

By Mr. White, an ordinance requiring civil officers to continue to act as agents of the Freedmen's Bureau, which was referred to the Judiciary Committee.

The Convention proceeded to the consideration of the ordinance reported from the Committee on Constitutional amendments, which was overruled by the special orders on yesterday, the ordinance being to amend sections 9 and 10 of article 3 of the Constitution.

Mr. White moved to amend as follows: 1st, by adding in the 8th line after the word "all," the words "the white inhabitants, and of all free inhabitants of this State separately." 2d, by adding after the word "inhabitants" in the third line from the end of the first section" the words "ascertained by adding the whole number of white persons, one half the number of all other persons." 3d, by adding after the word "inhabitants" in the 6th line of the second section, the following: "and upon the same rule of apportionment as in the first section of this ordinance," the amendment was lost.

Mr. Moore moved to lay the ordinance on the table, which was lost. Yeas 46; nays, 46.

Those who voted in the affirmative were Messrs. Beeson, Boone, Cabot, Clark, Coleman of Choctaw, Cooper of Cherokee, Crawford, of Coosa, Deal, Drake, Davis, Dox, Edwards,

Foster of Calhoun, Forrester, Gillespie, Greathouse, Haley, Henry of Marshall, Jones of Fayette, Lawrence, Leeper, Matthews of Dale, Matthews of Dallas, McCauley, McClellan, McGuire, Moore of Coffee, Moore of Franklin, Morse, Morton, Mudd, Potter, Robinson, Rather, Sanford, Sheets, Sheffield, Smith, Speake, Tompkins, Towles, Thrasher, Ware, Winston of DeKalb, Winston of Sumter, Wood—46.

Those who voted in the negative were Messrs. President, Ashley, Bailey, Beauchamp, Bond, Bruce, Clements, Coleman of Washington, Cooper of Wilcox, Crawford of Macon, Crenshaw, Cumming, Cunningham, Elmore, Fair, Foster of Tuscaloosa, Forwood, Freeman of Lowndes, Gage, Gardner, Glenn, Henry of Pickens, Hastie, Hooper, Howard, Hunter, Irvine, Jeffries, Jones of Marengo, Lane, Langdon Lee, Locke, Long, Mardis, McCann, McKenzie, Moragne, Overall, Owens, Patton, Sanders, Stansel, Webb, White, Wilson of Coosa and Williams—46.

Mr. Winston of DeKalb moved to insert the word "white" before the word "inhabitants" in the 12th line of the first section, and the word "white" before the word "inhabitants" in the sixth line of the second section; pending the discussion of which the Convention adjourned until 3½ o'clock P. M.

## AFTERNOON SESSION.

The Convention met pursuant to adjournment.

The question pending being upon the amendment of Mr. Winston, of DeKalb, the amendment was adopted. Yeas, 95; nays, 30.

Yeas—Messrs. President, Beeson, Boone, Bruce, Cabot, Clark, Coleman of Choctaw, Cooper of Cherokee, Crawford of Coosa, Crenshaw, Deal, Drake, Davis, Dox, Edwards, Foster of Calhoun, Foster of Tuscaloosa, Forrester, Gardner, Gillespie, Haley, Henry of Marshall, Hooper, Jones of Fayette, Lane, Lawrence, Leeper, Long, Mardis, Matthews of Dale, Matthews of Dallas, McCauly, McCann, MClellan, McGuire, Moore of Franklin, Moragne, Morse, Morton. Mudd, Padgett, Patton, Potter, Rather, Sanford, Sheets, Sheffield, Smith, Speake, Thrasher, Tompkins, Ware, Wilson of Coosa, Wilson of Fayette, Winston of DeKalb Winston of Sumter, White, Wood, Williams—59.

Nays—Messrs. Ashley, Beauchamp, Bond, Clements, Coleman of Washington, Cooper of Wilcox, Crawford of Macon, Cumming, Elmore, Fair, Forwood, Freeman of Lowndes, Gage, Glenn, Greathouse, Hastie, Henry of Pickens, Howard,

Hunter, Jeffries, Jones of Marengo, Langdon, McKenzie, Moore of Coffee, Overall, Owens, Robinson, Sanders, Stansel, Webb—30.

Mr. Hastie moved to lay the ordinance as amended on the table. The motion was lost.

The ordinance was then adopted.

Mr. Henry of Marshall, from the Committee on Enrolled Ordinances, reported as correctly enrolled:

An ordinance to authorize the Provisional Governor to discharge the duties of Governor until the installation of a Governor elected by the people.

A resolution to publish the constitution and ordinances adopted by this Convention.

An ordinance declaring null and void certain ordinances and other proceedings of a Convention of the State of Alabama, adopted in January and March, 1861.

Mr. Webb, from the Committee on Constitutional Amendments, made the following report:

The committee have had under consideration an ordinance to amend the 13th section of article 6th of the Constitution of the State of Alabama, and have instructed me to report a substitute therefor.

On motion of Mr. Overall, the report and the substitute were laid upon the table and the original ordinance taken up.

On motion of Mr. Overall, the ordinance was amended by striking out the second section.

Mr. Potter offered the following amendment, which was lost:

Strike out after the words "in cases provided for by law," and insert the words "for the cause of adultery and entire abandonment."

On motion of Mr. Edwards, the amendment was laid on the table, and the ordinance was then adopted.

Mr. Webb, from same committee, reported that they had had under consideration "an ordinance" to amend sections 8 and 14 of article 3 of the Constitution, and had instructed him to report favorably thereon. The ordinance was then adopted.

Mr. Webb, from the same committee, reported back a substitute for "an ordinance to amend section 28 and article 3 of the Constitution of the State. The report was concurred in.

Mr. Langdon moved to amend by striking out the following: "and shall not remain in session longer than thirty days unless, by a vote of two-thirds of each house," which was lost. The ordinance was then adopted.

Mr. Webb from same committee, reported that they had had under consideration "an ordinance to amend section 24 article 4 of the Constitution," and had instructed him to report that it was inexpedient to adopt said ordinance, and to ask to be discharged from its further consideration. The report was concurred in.

Mr. Webb, from same committee, reported back an ordinance to amend section 18 of article 5 of the Constitution, with a request that it be referred to the Judiciary Committee, before which a similar proposition was pending. The report was concurred in.

Mr. Webb, from same committee, reported that they had under consideration a resolution of inquiry as to whether sections 23 and 28 of article 1 of the Constitution should be amended, and deem it inexpedient to make the proposed amendments, and ask to be discharged from its further consideration. The report was concurred in.

Mr. Webb, from same committee, reported that a majority of the committee had instructed him to report favorably upon an ordinance to amend sections 25 and 26 of article 3d of the Constitution. The ordinance was then adopted.

Mr. Webb from same committee, reported that they had had under consideration an ordinance declaring the mode by which a convention may be held, and that he had been instructed to report a substitute therefor with the same title. The report was concurred in, and the ordinance reported by the committee was adopted.

Mr Webb from same committee reported that they had had under consideration the resolution instructing the committee to inquire into the expediency of referring amendments to the Constntion of a general character, except so much as refers to the emancipation of slaves, back to the people for their ratification or rejection, and they deem it inexpedient to make the said reference.

On motion of Mr. Clark, the further consideration of the report was postponed till 11 o'clock to-morrow and made the special order for that hour.

Mr. Jones of Fayette, from same committee, reported a minority report as follows :

The Committee on Constitutional amendments to which was referred an ordinance to amend section 4 article 4 of the Constitution of the State of Alabama, beg leave to report that they have had the same under consideration, and the undersigned, a majority of the committee, deem it inexpe-

dient to adopt said ordinance and ask to be discharged from its further consideration.

E. P. JONES,
JAMES F. BAILEY,
E. GREATHOUSE,
R. S. SMITH,
J. C. MATTHEWS,
J. P. COMAN.

Mr. Webb made the following minority report:

"The undersigned, a minority of the committee on constitutional amendments, not concurring in the report of the majority on the ordinance to amend section 4 article 4, beg leave to report a substitute with the same title for the ordinance:"

WM. P. WEBB,
JAMES BOND,
J. F. CLEMENTS,
S. J. CUMMING.

On motion of Mr. Rather, both reports were laid upon the table.

Mr. White, from the Committee on the Judiciary, reported that they had had under consideration "an ordinance providing that the President of the Convention issue writs of election for probate judges and judges of the circuit court."

An ordinance authorizing the election of judicial officers in this State.

An ordinance to change the tenure and mode of electing the judges of the supreme and circuit courts and chancellors.

An ordinance to provide for the election of probate judges.

And an ordinance to provide for certain elections; and that as the Convention had already acted upon the matter they deemed it inexpedient to legislate further upon the subject. The report was concurred in.

Mr. White, from same committee, reported that it was inexpedient to inquire into the resolution referred to them, in relation to changing the Governor's term of office, as the Convention had had reports from another committee upon the subject. The report was concurred in.

Mr. White, from same committee, reported the following amendment to the ordinance conferring certain powers upon the mayor of Huntsville, &c.: "Provided that this ordinance may be modified or repealed by the Legislature of the State of Alabama."

Mr. Lee moved to lay the report and the ordinance upon the table, which was lost.

On motion of Mr. Elmore, it was recommitted to the Judiciary Committee.

On motion of Mr. Moragne the Convention adjourned till 10 o'clock to-morrow.

THURSDAY, September 28, 1865.

The Convention met pursuant to adjournment.

Prayer by the Rev. Mr. Foster, a delegate from Tuscaloosa,

The Journal of yesterday was read and approved.

Mr. Elmore moved to reconsider the vote of yesterday, adopting a resolution in relation to the Alabama Insane Hospital, which was carried.

Mr. Elmore moved to amend the resolution as follows: Add after the words "the next meeting of the Legislature" as follows: "And if the funds required cannot be so applied without detriment to the State on account of other demands on the treasury, that he be authorized to raise for that purpose by any appropriate means on the credit of the State, a sum not exceeding twenty-five thousand dollars and apply so much of the same for the benefit of the hospital as above provided." The amendment was adopted.

The call of the counties being suspended, Mr. McClellan, from the Committee on Pay, Mileage, &c., reported an ordinance fixing the per diem and mileage of delegates, the pay of officers of the Convention, &c.

Mr. Rather moved to amend by inserting the word "five" in lieu of "ten" in the second section, fixing the fees for filing and copying registration oaths.

Mr. Mardis moved to lay the amendment on the table, which was carried. Yeas, 46; nays, 43,

Yeas—Messrs. President, Bailey, Bond, Boone, Clark, Coleman of Washington, Coman, Crenshaw, Cumming, Drake, Davis, Dox, Edwards, Foster of Calhoun, Foster of Tuscaloosa, Forrester, Forwood, Gardner, Gillespie, Haley, Hastie, Henry of Pickens, Hunter, Irvine, Jeffries, Jones of Fayette, Jones, of Marengo, Lane, Langdon, Lee, Leeper, Long, Mardis, McCann, McClellan, McGuire, Morton, Mudd, Overall, Owens, Robinson, Smith, Stansel, Webb, White, Wood—46.

Nays—Messrs. Ashley, Beeson, Beauchamp, Bruce, Cabot, Clements, Coleman of Choctaw, Cooper of Cherokee, Cooper of Wilcox, Cunningham, Deal, Elmore, Fair, Freeman of Lowndes, Freeman of Pike, Gage, Glenn, Greathouse, Henry of Marshall, Lawrence, Locke, Matthews of Dale, Matthews of Dallas, McCauley, McKenzie, Moragne, Morse, Padgett,

Patton, Potter, Rather, Sanders, Sanford, Sheets, Sheffield, Speake, Tompkins, Towles, Thrasher, Ware, Winston of DeKalb, Winston of Sumpter, Williams—43.

*Mr.* Rather moved to strike out "ten" and insert "seven and a half."

Mr. McClellan moved to lay the amenddment on the table, which was lost. Yeas, 43 ; nays, 47.

Affirmative—Messrs. Bailey, Bond, Clark, Coman, Crenshaw, Cumming, Cunningham, Drake, Davis, Dox, Edwards, Foster of Calhoun, Foster of Tuscaloosa, Forrester, Forwood, Gage, Gardner, Gillespie, Glenn, Haley, Hastie, Henry of Pickens, Hunter, Jeffries, Jones of Fayette, Jones of Marengo, Lane, Langdon, Lee, Leeper, Long, Mardis, McCann, McClellan, McGuire, Morton, Overall, Owens, Robinson, Smith, Stansel, Webb, White, Williams—44.

Negative—*M*essrs. President, Ashley, Beauchamp, Beeson, Boone, Bruce, Cabot, Clements, Coleman of Choctaw, Coleman of Washington, *C*ooper of Cherokee, Cooper of Wilcox, *C*rawford of *M*acon, *C*rawford of *C*oosa, Deal, Elmore, Fair, Freeman of Lowndes, Freeman of Pike, Greathouse, Henry of Marshall, Howard, Lawrence, Locke, Matthews of Dale, Matthews of Dallas, Mc*C*auley, McKenzie, *M*oragne, *M*orse, *M*udd, Padgett, Patton, Potter, Rather, Sanders, Sanford, Sheets, Sheffield, Speake, Tompkins, Towles, Thrasher, Ware, Wilson of Coosa, Winston of DeKalb, Winston of Sumter, Wood—48.

The amendment was then adopted.

Mr. Bond moved to insert "eight" in lieu of "six" for the pay per diem for the Assistant Secretary, which was lost. Yeas 43 ; nays, 47.

Those who voted in the affirmative were Messrs President, Bailey, Bond, Clark, *C*lements, Cooper of Cherokee, Cumming, Drake, Davis, Elmore, Fair, Foster of Calhonn, Foster of Tuscaloosa, Forrester, Freeman of Lowndes, Gillespie, Glenn, Hastie, Henry of Pickens, Howard, Hunter, Jeffries, Jones of Fayette, Jones of Marengo, Langdon, Lee, Leeper, Locke, Long, *M*ardis, Mc*C*auley, Mc*C*ann, McClellan, McGuire, McKenzie, Moragne, Overall, Owens, Smith, Stansel, Tompkins, Winston of DeKalb—43.

Those who voted in the negative were Messrs. Ashley, Beeson, Beauchamp, Boone, Bruce, *C*oleman of Washington, Coman, Cooper of Wilcox, Crawford of Macon, Crenshaw, Cunningham, *D*eal, Dox, Edwards, Forwood, Freeman of Pike, Gage, Gardner, Greathouse, Haley, Henry of Marshall,

Irvine, Lane, Lawrence, Matthews of Dale, *M*oore of Franklin, Morse, Mudd, Padgett, Patton, Potter, Robinson, Rather, Sanders, Sanford, Sheets, Sheffield, Speake, Towles, Thrasher, Ware, Webb, White, Wilson of Coosa, Winston of Sumter, Williams and Wood—47.

Mr. Patton gave notice that he would move to reconsider the vote adopting a resolution in relation to adjournment.

The hour of 11 o'clock having arrived, on motion of *M*r. Sheets, the consideration of the special order for that hour was suspended to dispose of the ordinance now under consideration.

Mr. Bond moved the previous question, which was sustained.

The ordinance was then adopted.

The special order was further suspended to allow Mr. Foster to introduce an ordinance for the election of sheriffs at the ensuing election in November, which was referred to the Judiciary Committee.

The Convention then proceeded to the consideration of the special order, it being upon the adverse report of the Committee on Constitutional Amendments in relation to a reference of the Constitution adopted by the Convention to the people.

*M*r. *C*lark moved to lay the report upon the table, which was lost. Yeas, 32; nays, 57.

Those who voted in the affirmative, are: Messrs. Beeson, Bond, Bruce, Clark, Coleman of Choctaw, *C*renshaw, Cunningham, Edwards, Forrester, Gardner, Haley, Jones of Fayette, Lane, Lee, Mardis, Matthews of Dallas, McClellan, Moore of Coffee, Moore of Franklin, Moragne, Morton, *M*udd, Potter, Sanford, Sheets, Smith, Speake, Thrasher, Ware, White, Winston of DeKalb—31.

Those who voted in the negative, are: Messrs. President, Ashley, Bailey, Beauchamp, Boone, Cabot, Clements, Coleman of Washington, Cooper of Cherokee, Cooper of Wilcox, Crawford of Coosa, Crawford of Macon, Cumming, Deal, Drake, Dox, Fair, Foster of Calhoun, Foster of Tuscaloosa, Forwood, Freeman of Lowndes, Freeman of Pike, Gage, Glenn, Greathouse, Hastie, Henry of *M*arshall, Henry of Pickens, Howard, Hunter, Irvine, Jeffries, Jones of Marengo, Langdon, Lawrence, Leeper, Locke, Long, Matthews of Dale, McCauley, McCann, McGuire, *M*cKenzie, Overall, Owens, Padgett, Patton, Robinson, Rather, Sanders, Sheffield, Stansel, Webb, Wilson of Coosa, Winston of Sumter, Williams and Wood—57.

The question then recurred upon concurring in the report, and the report was concurred in—yeas 61, nays 25.

Those who voted in the affirmative, are: Messrs. President, Ashley, Bailey, Beauchamp, Bond, Cabot, Clements, Coleman of Washington, Cooper of Cherokee, Cooper of Wilcox, Crawford of Coosa, Crawford of Macon, Cumming, Deal, Drake, Dox, Elmore, Fair, Foster of Calhoun, Foster of Tuscaloosa, Forwood, Freeman of Lowndes, Freeman of Pike, Gage, Gardner, Glenn, Hastie, Henry of Marshall, Henry of Pickens, Howard, Hunter, Irvine, Jeffries, Jones of Marengo, Langdon, Lawrence, Leeper, Locke, Long, Matthews of Dale, McCauley, McCann, McGuire, McKenzie, Moragne, Mudd, Overall, Owens, Patton, Potter, Robinson, Rather, Sanders, Sheffield, Stansel, Tompkins, Webb, Winston of Sumter, Wilson of Coosa, Williams, Wood—61.

Those who voted in the negative, are: Messrs. Boone, Bruce, Clark, Coleman of Choctaw, Crenshaw, Davis, Edwards, Forrester, Gillespie, Lane, Lee, Mardis, McClellan, Moore of Coffee, Moore, of Franklin, Morse, Padgett, Sanford, Sheets, Smith, Towles, Thrasher, Wane, White, Winston, of DeKalb—25.

Mr. Crenshaw, from a Select Committee, to which was referred:

An ordinance to legalize the acts of civil officers;

An ordinance to regulate and continue in force the acts of the Legislature of Alabama as now existing, and the rights and remedies therein provided not inconsistent with the Constitution of the United States, or of this State, or of the Ordinances of this Convention, and

An ordinance to ratify certain acts, judgments and proceedings therein mentioned,

Reported a substitute in lieu of the same, entitled "An Ordinance to ratify certain acts, judgments, and other proceedings therein mentioned."

The substitute was adopted.

Mr. Cooper, of Wilcox, moved to amend by adding the word "decrees," after the word "judgments," in the 19th line of the first section, and by striking out in the next line, the word "circuit," and insert so that it may read "all courts of record."

The amendment was adopted.

Mr. Webb moved to amend by two additional sections, which amendment was adopted.

Mr. Overall moved the following amendment, which was adopted;

"Provided such application for a new trial is made within twelve months from the adoption of this ordinance."

The ordinance as amended was then adopted.

Mr. Elmore, from the Committee on the State Debt, reported that a majority of the committee had instructed him to report a substitute for the ordinance in reference to the State debt—the ordinance reported to be entitled :

"An ordinance declaring the war debt void, and for other purposes."

Mr. Cooper of Cherokee, offered the following amendment, which was lost :

"Provided this ordinance shall not apply to any debt the proceeds of which has been applied in payment of interest, in whole or in part, upon the State debt existing on the 11th day of January, 1861.

Mr. Moragne moved to adjourn till half-past three, p. m.

Mr. Cooper, of Cherokee, moved to amend by adding "10 o'clock to-morrow morning."

The longest time having precedence, the Convention refused to adjourn until 10 o'clock to-morrow.

The Convention refused to adjourn until $3\frac{1}{2}$ o'clock, p. m.

Mr. Cooper, of Cherokee, moved the previous question, which was not sustained. Yeas 3 ; nays 76.

Those who voted in the affirmative are :

Messrs. Clarke, Cooper, of Cherokee, and Tompkins—3.

Those who voted in the negative are :

Messrs. President, Ashley, Bailey, Beauchamp, Beeson, Bond, Bruce, Boone, Cabot, Coleman of Choctaw, Cooper of Wilcox, Crawford of Coosa, Crawford of Macon, Crenshaw, Cumming, Cunningham, Deal, Drake, Dox, Edwards, Elmore, of Calhoun, Foster, of Tuscaloosa, Forrester, Forwood, Freeman of Lowndes, Freeman of Pike, Fair, Foster, Gage, Gillespie, Hastie, Henry, of Marshall, Henry, of Pickens, Howard, Hunter, Jeffries, Jones, of Marengo, Lane, Langdon, Lawrence, Lee, Leeper, Locke, Long, Mardis, Matthews, of Dale, Mathews, of Dallas, McAuley, McCann, McGuire, McKenzie, Moore, of Franklin, Moragne, Overall, Owens, Padgett, Patton, Potter, Rather, Sanders, Sanford, Sheets, Sheffield, Smith, Speake, Stansel, Towles, Thrasher, Ware, Webb, Wilson, of Coosa, Winston, of DeKalb, Williams, Wood—76.

Mr. Hastie moved to strike out the word "indirectly," in the 5th line, which was lost.

The question then recurring upon the adoption of the substitute, it was adopted.

The ordinance was then adopted. Yeas 60 ; nays 19.

Those who voted in the affirmative are :

Messrs. President, Bailey, Beauchamp, Beeson, Cabot, Boone, Bruce, Clark, Coleman of Choctaw, Crawford of Coosa, Crawford of Macon, Crenshaw, Cumming, Cunningham, Deal, Drake, Dox, Edwards, Foster of Tuscaloosa, Forrester, Forwood, Gillespie, Haley, Henry of Marshall, Howard, Hunter, Irvine, Jeffries, Lane, Lawrence, Lee, Long, Mardis, Matthews of Dale, Matthews of Dallas, McCauly, McCann, McGuire, Moore of Franklin, Moragne, Mudd, Padgett, Patton, Potter, Rather, Sanford, Sheets, Sheffield, Smith, Speake, Tompkins, Towles, Thrasher, Ware, Webb, White, Wilson, of Coosa, Winston, of DeKalb, Williams, Wood—60.

Those who voted in the negative are .

Messrs. Ashley, Bond, Clements, Cooper of Wilcox, Elmore, Fair, Foster of Calhoun, Freeman of Lowndes, Gage, Hastie, Henry of Pickens, Jones of Marengo, Langdon, Locke, Morse, Overall, Owens, Sanders, Stansel—19.

Mr. Clark offered an ordinance in relation to the reference of the Constitution to the people.

The President decided that the Convention had already voted upon a similar proposition, and that the ordinance could not be entertained.

Mr. Cooper of Cherokee, from the committee on Propositions and Grievances, reported favorably on an ordinance dissolving the rites of matrimony hitherto solemnized between J. C. Matthews and his wife Fannie Matthews, of Pike.

The ordinance was adopted. Yeas 57 ; nays 11.

Those who voted in the affirmative are :

Messrs. President, Ashley, Bailey, Beauchamp, Beeson, Boone, Cabot, Clark, Cooper of Cherokee, Crawford of Coosa, Crawford of Macon, Crenshaw, Cunningham, Drake, Edwards, Foster of Tuscaloosa, Forrester, Forwood, Freeman of Lowndes, Gage, Gillespie, Haley, Hastie, Hunter, Henry of Marshall, Henry of Pickens, Howard, Irvine, Jeffries, Lane, Langdon, Locke, Long, Matthews of Dale, Matthews of Dallas, McCauley, McCann, McGuire, Moore of Franklin, Moragne, Overall, Owens, Patton, Rather, Sanders, Sheets, Sheffield, Speake, Stansel, Tompkins, Thrasher, Ware, White, Wilson of Coosa, Winston of DeKalb, Williams and Wood—57.

Those who voted in the negative are :

Messrs. Bruce, Cumming, Dox, Elmore, Fair, Lawrence, Mardis, Padgett, Potter, Sanford and Webb—11.

The Convention, on motion, adjourned until 10 o'clock tomorrow.

FRIDAY, September 29, 1865.

The Convention met pursuant to adjournment.

Prayer by the Rev. Mr. Bruce, a delegate from Jackson.

On motion of Mr. Langdon, the Convention took from the table the resolution of Mr. Mudd for a re-consideration of the vote adopting the ordinance ; providing for elections, &c.

The Convention reconsidered the vote.

Mr. Langdon moved to amend the ordinance by the adoption of a substitute entitled,

"An ordinance concerning election of State, county and municipal officers, and members of Congress."

The substitute was adopted.

The ordinance as amended was then adopted.

Upon a call of the counties, Mr. Lane introduced an ordinance defining the time of holding courts in the 11th judicial circuit of this State.

The ordinance was adopted.

Mr. Jeffries offered the following resolution :

Resolved, That B. M. Woolsey, late Salt Commissioner, be and he is hereby authorised to sell the property of the State, at the State Salt Works, at public or private sale, as in his judgment may be best, and that said Commissioner report to the next session of the General Assembly.

The resolution was adopted.

Mr. Bond, an ordinance concerning dower and the limitations for the same.

The ordinance was referred to a special committee composed of Messrs. Bond, Mudd and Webb.

Mr. Winston of Sumter, an ordinance to provide for the payment of the interest on the bonded debt of the State of Alabama. The ordinance was adopted.

Mr. White, an ordinance to explain an ordinance therein named. The ordinance was adopted.

Mr. Cooper of Wilcox offered the following resolution, which was laid on the table :

Resolved, That the Committee on Transcribing and Engrossing the Constitution, be and they are hereby authorized and instructed to adopt and report as a part of the Constitution, sections 29, 30, 31, 32 and 33 ot the Constitution of 1861.

Mr. Moore of Coffee offered the following resolution :

Resolved, That the Treasurer of the State shall pay over to the respective delegates to this Convention, on the warrant of the Comptroller, the amount due the several officers

of each county, for administering, filing, numbering and transcribing the registration oath, at the rates provided by an ordinance of this Convention; and that the receipt of any such delegate or delegates for his or their respective counties shall be a legal voucher therefor; and that the Camptroller is hereby directed to issue his warrant on the Treasurer for said amounts in favor of such delegates, at the rates aforesaid. The resolution, on motion of *Mr.* Dox, was laid upon the table.

*Mr.* President laid before the Convention a communication from Brigadier General Swayne of the Freedmen's Bureau, accompanied by a memorial from certain colored people of Mobile.

On motion of Mr. Webb, the memorial was laid upon the table.

Mr. White, from the Judiciary Committee, reported adversly upon the ordinance for the relief of executors, administrators, &c. The report was concurred in.

Mr. White, from the same committee, reported that it was inexpedient for this Convention to legislate upon a subject embraced in a resolution of instruction to the committee, in relation to the expediency of adopting more stringent regulation upon the subject of vagrancy. The report was concurred in.

Mr. White from the same committee reported adversly to the ordinance to amend sectian 18 of article 5 of the Constitution. The report was concurred in.

*Mr.* White from same committee reported favorably upon an ordinance to declare null and void article 3, chapter 4, title 13 of part 1 of the code relating to free colored mariners. The ordinance was adopted.

Mr. White from same committee reported adversly to the following:

To the ordinance in reference to private contracts,

To the ordinance admitting parole testimony in certain cases, as the subjects have already been acted on;

Also adversely to the ordinance to amend the Constitution of 1819, by striking out section 19 of the declaration of rights,

To the ordinance to abolish the penitentiary,

To the resolution to devise a plan of labor,

To the resolution in relation to removing Constitutional restrictions upon the number of counties in a judicial circuit. The reports were concurred in.

Mr. White from same committee reported an amendment to the ordinance conferring additional police powers on the mayor of the towns of Huntsville, &c., and as amended recommended its adoption. The amendment was adopted.

The ordinance was then adopted.

Mr. White from same committee reported a substitute for an ordinance to declare vacant certain offices. The substitute being an ordinance of the same title, the substitute was adopted. The ordinance was then adopted.

Mr. White from same committee reported a substitute for an ordinance for the election of sheriffs at the next ensuing election. The substitute being an ordinance concerning the office of sheriffs, the substitute was adopted. The ordinance was then adopted.

Mr. White from the same committee reported favorably upon :

An ordinance requiring civil officers to continue to act as agents of the Freedman's Bureau.

The ordinance was adopted. Yeas 59 ; nays 17.

Those who voted in the affirmative are :

Messrs. President, Ashley, Beauchamp, Bruce, Cabot, Clements, Cooper of Cherokee, Cooper of Wilcox, Crawford of Coosa, Crawford of Macon, Cumming, Cunningham, Drake, Dox, Edwards, Elmore, Fair, Foster of Tuscaloosa, Forwood, Freeman of Lowndes, Gage, Gardner, Gillespie, Glenn, Henry of Marshall, Henry of Pickens, Hooper, Hunter, Howard, Jeffries, Langdon, Lawrence, Leeper, Locke, Long, Mardis, McAuley, McCann, McGuire, McKenzie, Moragne, Mudd, Overall, Owens, Padgett, Patton, Robinson, Sanders, Sanford, Sheffield, Smith, Stansel, Ware, Webb, White, Wilson of Coosa, Winston of DeKalb, Winston of Sumter, Williams, Wood—59.

Those who voted in the negative are :

Messrs. Beeson, Clark, Coleman of Choctaw, Crenshaw, Forrester, Greathouse, Hastie, Irvine, Jones of Marengo, Lane, Matthews of Dallas, Moore of Franklin, Rather, Sheets, Speake, Tompkins, Thrasher—17.

Mr. White, from same committee, reported a substitute for an ordinance to ratify marriages between freedmen and women.

The substitute was adopted.

The ordinance was then adopted, with the following title :

"An ordinance to ratify marriages between freedmen and women, and for other purposes."

Mr, Henry, of *M*arshall, from committee on Enrolled Ordinances, reported, as correctly enrolled :

An ordinance dissolving the rites of matrimony hitherto solemnized between J. C. Matthews and his wife, Fannie, of the county of Pike ;

An ordinance in relation to the pay and mileage of delegates, pay of officers of the Convention, and for other purposes ;

An ordinance to ratify certain acts, judgments and other proceedings therein mentioned ;

An ordinance declaring the war debt void, and for other purposes ;

A resolution relating to the Insane Hospital at Tuscaloosa ;

An ordinance to provide for the payment of the interest on the old bonded debt of this State ;

An ordinance to amend the 13th subdivision of article 6th, of the Constitution ;

An ordinance to amend sections 9 and 10 of article 3, of the Constitution ;

An ordinance to amend section 28, of article 3, of the Constitution ;

An ordinance declaring the mode by which a convention may be held ;

An ordinance to amend sections 25 and 26, of article 3, of the Constitution ;

An ordinance to amend sections 8 and 14, of article 3, of the Constitution ;

An ordinance in relation to the militia of the State of Alabama ;

An ordinance to amend section 12, of the Declaration of Rights.

Mr. White, from the Judiciary Committee, reported favorably to the ordinance "To amend the Constitution of 1819," with the following amendments :

First, strike out section 28.

Second, strike out section 31.

Third, strike out section 32.

The first amendment was adopted.

*M*r. Sheets moved to lay the second and third amendments on the table, which was lost. Yeas 28 ; nays 41.

Yeas—Messrs. Beeson, Clements, Coleman of Choctaw, Crawford of Macon, Drake, Elmore, Fair, Foster of Tuscaloosa, Gillespie, Greathouse, Jones of *M*arengo, Lawrence, Lee, Locke, *M*cKenzie, Moore of Franklin, *M*oragne, Owens,

Padgett, Potter, Sanford, Sheets, Sheffield, Tompkins, Thrasher, Winston of Sumter, Williams—28.

Nays—*M*essrs. Ashley, Bond, Bruce, Clarke, Cooper of Wilcox, Crawford of Coosa, Crenshaw, *C*umming, Cunningham, Davis, Foster of Calhoun, Forwood, Freeman of Lowndes, Gage, Henry of *M*arshall, Henry of Pickens, Howard, Hunter, Lane, Langdon, Leeper, Long, *M*ardis, Mc*C*ann, McGuire, *M*oore of Coffee, Morton, Mudd, Overall, Patton, Robinson, Rather, Sanders, Smith, Speake, Stansel, Ware, Webb, White and Winston of DeKalb—41.

The *C*onvention refused to concur in the second amendment.

The question was next put in concurring in the third amendment, which was lost.

Mr. Sheets moved to reconsider the vote just taken, which was carried, and the amendment was adopted.

Also moved to reconsider the vote on the second amendment, which was lost.

The ordinance was then adopted.

On motion of *M*r. Cooper, of Wilcox, the Convention then adjourned till to-morrow, 10 o'clock.

The Convention met pursuant to adjournment.

Prayer by the Rev. *M*r. Greathouse, a delegate from Tallapoosa county.

The Journal of yesterday was read and approved.

The call of the counties was suspended.

Mr. Fair, from the committee on Federal Relations, reported a memorial to the President of the United States.

The memorial was adopted.

Mr. Cooper, of Wilcox, from committee on revising and transcribing the Constitution, reported that they had accomplished the work; and reported a Constitution for the State of Alabama as prepared by the committee, and recommend its adoption, and if adopted, also recommend the adoption of the following resolution:

Be it resolved by the People of the State of Alabama, in Convention assembled, That His Excellency, the Provisional Governor, be and he is hereby authorised and requested to appoint some competent person to superintend the printing of the Constitution and Ordinances adopted by this Convention, and to prepare and publish with them, an accurate index of each; and to allow the person so appointed such compensation for the said services as may seem reasonable and proper.

Mr. Webb moved the previous question, which was sustained. Yeas 54; nays 27.

Those who voted in the affirmative were:

Messrs. President, Bond, Bruce, Boone, Coleman of Choctaw, Coleman of Washington, Coman, Cooper of Wilcox, Crenshaw, Cunningham, Drake, Dox, Edwards, Elmore, Foster of Calhoun, Forwood, Gage, Gardner, Gillespie, Glenn, Greathouse, Hastie, Henry of Pickens, Hooper, Howard, Hunter, Irvine, Jeffries, Jones of Marengo, Langdon Lawrence, Lee, Leeper, Long, Mardis, Matthews of Dallas, McCauley, McCann, McGuire, McKenzie, Mudd, Overall, Owens, Padgett, Robinson, Sanders, Sanford, Sheffield, Tompkins, Ware, Webb, Winston of DeKalb, Winston of Sumter, Williams—54.

Those who voted in the negative were:

Messrs. Ashley, Bailey, Beauchamp, Beeson, Cabot, Clark, Clements, Cooper of Cherokee, Crawford of Coosa, Crawford of Macon, Cumming, Forrester, Freeman of Lowndes, Locke, Moore of Coffee, Moore of Franklin, Moragne, Morse, Patton, Potter, Rather, Sheets, Smith, Speake, Towles, White, Wilson of Coosa—27.

The Constitution was then adopted, and also the resolution reported by the committee.

Mr. Winston of Sumter, offered an ordinance in relation to the issuance of bonds by the State.

Mr. Jones of Marengo, offered resolutions in relation to the removal of United States forces from this State.

Mr. Elmore offered an ordinance in relation to parole testimony in sets off on contracts made during the war. All of which were severally read and adopted.

Mr. White, an ordinance to provide compensation for certain officials therein named.

Mr. Winston of Sumter, moved to strike out 1862 and insert 1861, which was lost. The ordinance was then adopted.

Mr. Bond, from Select Committee, reported favorably on the ordinance concerning dower and the limitations as to claim for the same. The ordinance was adopted.

Mr. Cooper of Cherokee, from the Judiciary Committee, to whom was referred a resolution on the subject reported an ordinance granting a stay of executions on all judgments and decrees of the several courts of this State. The ordinance was adopted.

Mr. Elmore, from the Committee on State Debt, to whom was referred a resolution on the subject, reported the following resolution:

Resolved by the people of the State of Alabama in Convention assembled, That they hereby pledge themselves to the prompt payment of every debt contracted by the State, or for which she was liable prior to the 11th day of January, 1861, and that the Legislature at the next and succeeding sessions, take all necessary steps to provide the means for the payment of the interest due and to become due thereon. Which was adopted.

On motion of Mr. Patton, of which he gave notice on yesterday, the motion to reconsider the vote on the resolution to adjourn this day at six o'clock P. M., was reconsidered.

Mr. Patton moved to amend the resolution as follows: Provided, however, in case the Convention shall not be assembled in pursuance of the call of the President as aforesaid, by the first day of September next, then this Convention shall be deemed dissolved and to have adjourned sine die: Provided, further, that in the event of the death, absence or refusal to act of the President of this Convention, that the Governor of this State shall have power to call this Convention together. The amendment was adopted, and the resolution as amended was adopted.

Mr. Jones of Marengo, from Committee on Elections, reported adversly to the ordinance in relation to elections. The report was concurred in.

Mr. Dox, from Committee on Constitutional Amendments, reported adversly to the ordinance to amend section 12 article 3 of the Constitution. The report was concurred in.

Mr. Cooper of Cherokee, from the Committee on Propsitions and Grievances, reported favorably to the "ordinance to provide for establishing a new county in this State."

On motion of Mr. Greathouse, the report and ordinance were laid on the table.

Mr. Cooper of Wilcox offered the following resolution:

Resolved, That the Provisional Governor be and he is hereby authorized to cause to be printed five thousand copies of the Constitution and ordinances adopted by this Convention, and that five copies be sent to each member of this Convention and one copy to each circuit judge, judge of probate and justice of the peace in this State.

On motion of Mr. Patton, "five thousand" was stricken out and "one thousand" inserted, and the resolution as amended was adopted.

Mr. Clark, from the Judiciary Commtttee, reported adversly to the ordinance to define and explain the ordinance

adopted by this Convention. The report was concurred in.

Mr. Elmore, from the Committee on State Debt, to which was referred the report of the Comptroller on the Bonds of the State issued since the 11th January, 1861, reported that it was unnecssary to take any action thereon. The report was concurred in.

Mr. Cooper of Cherokee, offered an ordinance defining the term "freedmen," which was lost.

Mr. Coleman of Wilcox, from committee on Accounts and Claims, to which was referred various accounts, presented for expense of printing and administering registration oaths throughout the State, recommended that the said accounts be withdrawn by the parties presenting them, and they refer them to the next General Assembly. The report was concurred in.

Mr. Morse offered a resolution authorizing the Comptroller to draw his warrant on the Treasurer in favor of judges of probate and printers, for the expenses incurred in printing and the registration of oaths.

The resolution was adopted.

On motion of Mr. Fair,

Resolved, That the sum of one hundred and fifty dollars be and is hereby appropriated to William H. Ogbourne, Secretary of this Convention, for services to be rendered in copying the journals of this *C*onvention, and the *C*onstitution adopted by this *C*onvention, for the use of the Printers, and for his services in superintending the distribution of the same.

*Mr.* Cooper, of Cherokee, from committee on the Judiciary, reported adversely to the ordinance in relation to the elective franchise of foreign emigration within the State of Alabama.

The report was concurred in.

Also, favorably to the ordinance to amend article 3 of *C*onstitution of 1819.

The ordinance was adopted.

Mr. Cumming, from same committee, reported favorably to the ordinance to amend section 1, article 3, of the Constitution of 1819.

The ordinance was adopted.

Mr. Cooper of Cherokee, from same committee, to which was referred a resolution in relation to the election of a State Solicitor for each county in this State, reported that it was inexpedient to act upon the subject.

The report was concurred in.

On motion of Mr. Cooper, of Wilcox, the Convention adjourned till this afternoon at 4 o'clock.

## AFTERNOON SESSION.

The Convention met pursuant to adjournment.

Mr. Langdon offered the following resolution:

Resolved, That the short-hand reporters to this Convention be allowed a period of ten days in which to transcribe, revise and prepare their notes for publication, during which time their per diem shall be continued.

The resolution was adopted.

Mr. Overall offered the following resolution, which was adopted unanimously:

Resolved, That the thanks of this Convention be tendered to the Hon. Benj. Fitzpatrick for the able, impartial, and dignified manner in which he has discharged the duties of President of this Convention.

Mr. Morse offered the following resolution, which was unanimously adopted:

Resolved, That the thanks of this Convention be and the same are hereby extended to the Secretary, Assistant Secretary, and the Door-keeper of this Convention, for the polite, courteous and diligent manner in which they have discharged their respective duties.

Mr. Speake, from committee on Enrolled Ordinances, &c., reported as correctly enrolled the following:

An ordinance to vacate certain offices;

An ordinance requiring civil officers to continue to act as agents of the Freedmen's Bureau;

An ordinance concerning the office of Sheriff;

An ordinance to ratify marriages between freedmen and women, and for other purposes;

An ordinance concerning the election of State, county and municipal officers, and for members of Congress;

An ordinance in relation to sale of State Salt Works;

An ordinance defining the time of holding courts in the 11th judicial circuit;

An ordinance conferring additional police powers upon the mayors of Huntsville and other towns;

An ordinance relating to free-colored mariners;

An ordinance to provide for the payment of interest on the bonded debt of the State;

An ordinance to explain an ordinance therein named;

An ordinance to amend the third article of the Constitution of 1819;

An ordinance in relation to parol testimony in set off, on contracts made during the war;

An ordinance concerning dower, and the limitation as to the claim for the same;

An ordinance to provide compensation for certain officers therein named;

An ordinance to provide compensation for certain officers therein tamed;

An ordinance to amend article 3, of the Constitution;

An ordinance to amend section 1, article 3, of the Constitution;

A resolution in relation to pay of printers and probate judges;

A resolution authorizing the Provisional Governor to employ a suitable person to superintend the printing of the Constitution and Ordinances adopted by this Convention, and for paying for the same.

An ordinance to print Constitution and Ordinances;

A resolution appropriating one hundred and fifty dollars to Secretary of Convention for extra services;

A resolution in relation to the State debt;

An ordinance in relation to the issuance of State bonds;

A resolutirn to authorize the Provisional Governor to have 1000 copies of the Constitution, &c., printed and distributed;

A resolution requesting the President of the United States to remove the United States troops from this State, except the garrison of the coast;

An ordinance granting a stay of all judgments and decrees of the several courts of this State.

*Mr.* Dox offered the following resolution which was unanimously adopted:

Resolved, That this Convention express its confidence in the integrity, patriotism and capacity of Hon. L. E. Parsons, Provisional Governor of this State, and the members hereof acknowledge the courtesy and kindness which have uniformly distinguished his conduct in his intercourse with them.

Mr. Fair offered the following resolution, which was adopted:

Resolved, That the public printers be and they are hereby ordered to print one hundred and fifty copies of the journals of this *C*onvention as soon after the adjournment thereof as practicable, and that the Secretary of State be and he is

hereby instructed to forward one copy of the same to each delegate to this Convention.

Mr. Patton offered the following resolution, which was unanimously adopted :

Resolved, That a committee of three be appointed to wait on the Provisional Governor and inform him that the Convention has completed the business for which it was assembled unless he shall have further communications to submit for its consideration.

The President (Mr. Patton in the chair) appointed Messrs. Webb, Dox and Elmore said committee.

The Convention, on motion of Mr. Padgett, took a recess of half an hour.

Thirty minutes having expired, the Convention was called to order.

Mr. Webb, from committee to wait on His Excellency, Lewis E. Parsons, Provisional Governor, &c., reported that they had discharged the duty, and that the Governor had no further communication to lay before them.

The President made a few appropriate remarks when he announced the Convention adjourned as prescribed by the resolution adopted this day.

BENJAMIN FITZPATRICK,
President of the Convention.

WM. H. OGBOURNE,
Sec'y of the Convention.